United Nations S/2011/782

Security Council

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20 December 2011

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France: draft resolution

The Security Council,

Recalling its resolutions and the statements of its President on Burundi,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of Burundi,

Welcoming the progress that Burundi has made towards peace, stability and development and *emphasizing* the need for the United Nations system and the international community, including the international financial institutions and Burundi's development partners, to maintain their support for peace consolidation and long-term development in Burundi,

Taking note of the smooth transition from the United Nations Integrated Office in Burundi (BINUB) to the United Nations Office in Burundi (BNUB) and *commending* the continued contribution of the United Nations to the country's peace, security and development,

Encouraging the efforts of the Government of Burundi to create a space for all political parties and to continue improving dialogue between all relevant actors, including civil society,

Supporting the renewed commitment of Burundi to "zero tolerance" for corruption,

Welcoming the continued engagement of the Peacebuilding Commission in Burundi and the recent visit of the Chair of the Commission's Burundi configuration, *taking note* of the April 2011 Outcome Document of the Fifth Review of the Implementation of the Strategic Framework for Peacebuilding in Burundi and of the briefing of the Chair of the Burundi configuration of the Peacebuilding Commission on 7 December 2011, and *acknowledging* the contribution that the Peacebuilding Fund has made to peacebuilding in Burundi,

Supporting the commitment of Burundi to regional integration, notably in the Economic Community of Great Lakes Countries (CEPGL), the East African Community (EAC), and the International Conference on the Great Lakes Region (ICGLR),

Recognizing the importance of transitional justice in promoting lasting reconciliation among all the people of Burundi, and *noting with appreciation* the completion of the work of the Technical Committee and the commitment of the

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Government of Burundi to establishing transitional justice mechanisms, consistent with the results of the 2009 national consultations, Security Council resolution 1606 (2005) as well as the Arusha agreements 2000,

Welcoming the establishment of the Office of the Ombudsman and the National Independent Human Rights Commission,

Noting with grave concern continued human rights violations, in particular extrajudicial politically motivated killings and torture, and restrictions on civil liberties, including harassment, intimidation and restrictions on the freedom of expression, association and assembly of opposition political parties, media and civil society organizations,

Noting with great concern the attacks against civilians as well as security and defence forces in various parts of the country and the reports of paramilitary activities in neighbouring countries and *calling upon* all those involved to put an end to such acts,

Calling upon the Government of Burundi to protect the civil liberties and to fight impunity, particularly by ensuring that those responsible for incidences of torture, extrajudicial killings and mistreatment of detainees are brought to justice,

Recalling its resolutions 1325 (2000), 1820 (2008), 1888 (2009) and 1889 (2009) on women and peace and security, its resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflicts and its resolutions 1612 (2005), 1882 (2009) and 1998 (2011) on children and armed conflict,

Having considered the first report (S/2011/751) of the Secretary-General on the BNUB,

1. *Decides* to extend until 15 February 2013 the mandate of BNUB, as set out in paragraph 3 (a) to (d) of the resolution 1959 (2010);

2. *Decides* that in addition to paragraph 1 above, BNUB shall also continue to support the Government of Burundi in the following areas:

(a) Supporting the efforts of the Government and the international community to focus on the socio-economic development of women and youth and the socio-economic reintegration of conflict-affected populations in particular, and advocating for resource mobilization for Burundi;

(b) Providing support to Burundi's deepening regional integration, as requested;

3. *Recognizes* the primary responsibility of the Government of Burundi for peacebuilding, security and long-term development in the country, and *encourages* the Government of Burundi to pursue its efforts regarding peace consolidation challenges, in particular democratic governance, the fight against corruption, security sector reform, civilian protection, justice and the promotion and protection of human rights, with a special focus on the rights of women and children as well as marginalized and vulnerable minorities;

4. *Encourages* the Government of Burundi with the support of BNUB and other international partners to redouble its efforts to pursue structural reforms aimed at improving political, economic and administrative governance and tackling

corruption, with a view to setting up strong drivers for sustained and equitable social and economic growth;

5. *Encourages* the Government of Burundi to pursue its efforts of peace consolidation and reconstruction in a regional perspective, especially through projects fostering peace, reconciliation and exchanges within the East African Community, the Economic Community of the Great Lakes Countries and the International Conference on the Great Lakes Region;

6. *Underscores* the importance of security sector reform and *urges* all international partners, together with BNUB, to continue supporting the Government of Burundi's efforts to professionalize and enhance the capacity of the national security services and the police, in particular in the fields of training on human rights and sexual and gender-based violence, and with the view to consolidating security sector governance;

7. *Calls upon* the Government of Burundi, with the support of BNUB and its national and international partners to finalise the new Poverty Reduction Strategy Paper (PRSP II), with clear peacebuilding priorities and an implementation plan;

8. *Encourages* the Government of Burundi, the Peacebuilding Commission and its national and international partners to honour their commitments made under the Outcome Document of the Fifth Review of the Implementation of the Strategic Framework for Peacebuilding and to review these commitments when the PRSP II is finalised to determine how the Peacebuilding Commission can best contribute to Burundi's peacebuilding priorities;

9. *Calls upon* the Government to take all necessary steps to prevent further human rights violations and to take measures to ensure that those responsible for such violations are swiftly brought to justice;

10. *Stresses* the need for a thorough, credible, impartial and transparent investigation of serious crimes, in particular extrajudicial killings, and *calls upon* the authorities of Burundi to put an end to such criminal acts and to ensure that those responsible are brought to justice;

11. *Calls upon* the Government of Burundi to pursue its efforts to ensure the promotion and protection of human rights and together with its international partners to support the newly established National Independent Human Rights Commission and the Office of the Ombudsman, and further *encourages* the Government to continue its fight against impunity and to take the necessary measures to ensure its citizens fully enjoy their civil, political, social, economic and cultural rights as enshrined in the Constitution of Burundi and in accordance with international human rights law;

12. *Encourages* the Government of Burundi, with the support of international partners and BNUB as appropriate, to establish transitional justice mechanisms, including the establishment of a Truth and Reconciliation Commission, in accordance with the results of the work of the Technical Committee, the 2009 national consultations, Security Council resolution 1606 (2005) as well as the Arusha agreements 2000;

13. *Takes note* of the progress reported by the Secretary-General in the development of benchmarks for the future evolution of BNUB into a United Nations Country Team presence and *requests* to be updated on these by 31 May 2012;

14. *Requests* the Secretary-General to keep the Council informed on the implementation of the mandate of BNUB and this resolution, with a briefing by the end of July 2012 and a report by 18 January 2013;

15. *Decides* to remain actively seized of the matter.

United Nations A/ES-10/543–S/2011/783

General Assembly
Security Council

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20 December 2011

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General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Sixty-sixth year

Identical letters dated 19 December 2011 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

I write to you once again to place on record our serious concerns regarding the situation in the Occupied Palestinian Territory, including East Jerusalem, which continues to rapidly deteriorate as a result of the illegal, provocative actions being committed by Israel, the occupying Power, and its lawless settlers. Destruction and trauma continue to be inflicted on the Palestinian civilian population as a result of the crimes being perpetrated against them as the occupying Power and its extremist settler militias continue to act with sheer violence and racism and total disregard for international law and for the human rights of the Palestinian people.

As reported recently by the United Nations Office for the Coordination of Humanitarian Affairs (OCHA), settler attacks against Palestinian civilians have increased this year by at least 50 per cent. These attacks, all committed under the watch of the Israeli occupying forces have also increased in maliciousness and intensity, targeting civilians, young and old, their properties and their livelihoods, and religious sites, including mosques and churches. Their illegal and violent actions have caused extensive destruction and are seriously inflaming tensions and religious sensitivities. Moreover, it is clear that such deplorable attacks are not isolated incidents but rather constitute a clear agenda by the settlers and their supporters within the Israeli Government and army to terrorize the Palestinian people and make their living conditions so unbearable, aimed at forcibly removing them from their land and further entrenching this illegitimate, belligerent foreign occupation.

In the past week alone, Israeli settlers have attacked at least three more mosques, burning and vandalizing them with disgraceful graffiti amounting to grave incitement. On Wednesday, 14 December 2011, extremist settlers set fire to a 13th century mosque, Okasha, in Jerusalem and spray-painted repulsive and hateful graffiti on the mosque walls regarding the Prophet Muhammad (Peace be Upon Him) and also damaged pipes creating flooding in the building. The following day,

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15 December, Israeli settlers set fire to Al-Nour mosque in the village of Burqa near Ramallah and also desecrated its walls with incitement graffiti, including a declaration of "War". The village has also been targeted by the settlers in recent rampages in which numerous olive trees have been destroyed. Today, settlers attacked and vandalized the Sahaba mosque in the village of Bani Naim south of Al-Khalil, spraying anti-Muslim graffiti and pro-settler slogans all over the mosque's walls.

Also, on 13 December, Israeli settlers forcibly entered the Orthodox Church of St. John the Baptist, which is located in the Jordan Valley. The settlers attacked the church under the watch of the occupying forces, vandalized it and caused damage to its contents and to its doors and windows as well as to several crosses in the church. In this regard, it is becoming abundantly clear that extremist Israeli settlers are attempting, and being permitted, to fan the flames of religious conflict with such attacks on Palestinian houses of worship, whether Muslim or Christian.

Israeli settlers have also perpetrated several other crimes in the past days against Palestinian civilians and properties throughout the Occupied West Bank. Recent attacks have included an attack by settlers on olive groves in the village of Burin near Nablus, in which at least 15 olive trees were cut down; a raid by settlers on the village of Duma near Nablus, where they set fire to a car and water tanker and also attempted to set fire to a bus; and the torching of a car in the village of Yasuf and another in the village of Haris in the Salfit area. The most recent of such incidents has been an attack today on the village of Beiteen near Ramallah, where dozens of Israeli settlers raided the village at dawn and set fire five cars, completely destroying them, and also causing damage to nearby building fronts and windows. The Israeli occupying forces present at the scene did not arrest a single settler, only dispersing them after the attack.

Also, in Al-Khalil (Hebron), where hundreds of extremist and criminal Israeli settlers continue to torment and terrorize the more than 180,000 Palestinian civilians who live there, settlers attacked Palestinians in the centre of the city on Friday, 16 December, spitting on young Palestinians and beating others. As is typical, Israeli soldiers in the vicinity did nothing to protect the civilians from the settler attacks and used force against international activists in the area who had been attempting to film the violent attack, breaking their cameras and intimidating them.

The lawlessness and aggression of Israel's illegal settler population is of course inherently linked to the lawlessness of the occupying Power and its aggressive and destructive settlement campaign, aimed at colonizing the entire Occupied Palestinian Territory, particularly East Jerusalem. While the Palestinian leadership and the rest of the international community continue to speak of and work for the two-State solution on the basis of the pre-1967 borders, Israel continues to expand and entrench its settlements on a daily basis, greatly damaging and reducing the viability of the two-State solution. Declarations of settlement construction continue as do the demolition of Palestinian homes and the confiscation of Palestinian land.

Yesterday, 18 December, the Israeli Government published tenders for the construction of another 1,028 settlement units in the Occupied Palestinian Territory. As indicated in a statement by the Israeli Housing Ministry, 500 units will be built in the settlement of "Har Homa" in Jabal Abu Ghneim in Occupied East Jerusalem, 348 units in the settlement of "Betar Illit" west of Bethlehem, and 180 units in the

settlement of "Givat Ze'ev" between Occupied East Jerusalem and Ramallah. In parallel, members of the Israeli Knesset continue their attempts to "legalize" so-called settlement outposts built on Palestinian land. All of these provocations are taking place in the midst of vocal appeals by the international community for Israel to stop this illegal, aggressive settlement campaign and in the midst of the efforts of the Quartet to revive negotiations between the two sides towards realizing the two-State solution, denigrating both the calls and the efforts made in this regard and proving once again Israel's impunity and absolute disdain for international law and its obligations as Member State of the United Nations in accordance with the Charter and relevant resolutions.

The recent period has also witnessed the further Israeli demolition of Palestinian properties. Today, the occupying Power issued demolition notices to Palestinian families in villages north of the Jordan Valley declaring the intention to demolish several homes and barns. Also, on 13 December, the Israel occupying forces demolished four homes in Al-Makhrour area of Beit Jala, a predominantly Christian town near Bethlehem that is being suffocated by Israel's illegal settlement enterprise. The same day, the occupying forces handed notices to several Palestinian families prohibiting land reclamation in the area, claiming that the land is "Israeli property". The occupying Power has also announced plans to confiscate land belonging to the Cremisan vineyard in order to expand its illegal wall in the town of Beit Jala, which has been reduced to one third of its size since the Israeli occupation began in 1967. In this regard, it must be noted that the city of Bethlehem is now surrounded by 19 Israeli settlements as well as by the wall and a network of Israeli-only bypass roads.

Faced with this blatant escalation of Israeli violations and provocations, we call on the international community, particularly the Security Council, to act with conviction to send a clear signal to Israel, the occupying Power, that all of these illegal actions will not be tolerated and must be brought to a complete halt. Unequivocal demands must be made for Israel to halt and reverse its illegal settlement campaign and collective, serious measures must be taken to ensure accountability must be undertaken if Israel refuses to comply with the legal obligations incumbent upon it, including under the Fourth Geneva Convention. Barring this, we will surely only continue to witness the further deterioration of the situation on the ground, the failure of any and all efforts to restore confidence between the two sides and to revive the peace process, and the further destruction of the two-State solution based on the pre-1967 borders, with grave consequences for our peoples and the region as a whole.

This letter is in follow-up to our previous 414 letters regarding the ongoing crisis in the Occupied Palestinian Territory, including East Jerusalem, since 28 September 2000. These letters, dated from 29 September 2000 (A/55/432-S/2000/921) to 12 December 2011 (A/ES-10/542-S/2011/768), constitute a basic record of the crimes being committed by Israel, the occupying Power, against the Palestinian people since September 2000. For all of these war crimes, acts of State terrorism and systematic human rights violations committed against the Palestinian people, Israel, the occupying Power, must be held accountable and the perpetrators must be brought to justice.

I should be grateful if you would arrange to have the text of the present letter distributed as a document of the tenth emergency special session of the General Assembly, under agenda item 5, and of the Security Council.

(*Signed*) Riyad **Mansour**
Ambassador
Permanent Observer of Palestine to the United Nations

United Nations S/2011/784

Security Council

Distr.: General
19 December 2011

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Letter dated 15 December 2011 from the Permanent Representative of Nigeria to the United Nations addressed to the President of the Security Council

I have the honour to transmit herewith a report on the work of the Security Council during the presidency of Nigeria in October 2011 (see annex). The document was prepared under my responsibility, after consultation with the other members of the Security Council.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) U. Joy **Ogwu**
Ambassador
Permanent Representative

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Annex to the letter dated 15 December 2011 from the Permanent Representative of Nigeria to the United Nations addressed to the President of the Security Council

Assessment of the work of the Security Council during the presidency of Nigeria (October 2011)

Introduction

During the month of October 2011, under the presidency of Nigeria, the Security Council adopted eight resolutions and two presidential statements and issued five press statements. The Council also adopted its annual report to the General Assembly for the period covering 1 August 2010 to 31 July 2011. It held one private meeting with the President of the International Court of Justice and two open thematic debates on security sector reform and on women and peace and security. A briefing on Piracy in the Gulf of Guinea was also held.

Africa

Côte d'Ivoire

The Council was briefed in consultations of the whole by the Chair of the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, Ambassador Maria Luiza Ribeiro Viotti, on 20 October 2011. She stated that, in spite of the positive developments in Côte d'Ivoire, any change in the sanctions regime at the current stage would be premature owing to the fragile security situation and the inadequate State presence in many parts of the country. Council members expressed similar views.

Democratic Republic of the Congo

On 17 October 2011, the Council was briefed by the Special Representative of the Secretary-General for the Democratic Republic of the Congo, Roger Meece, by video link, in closed consultations on preparations for the forthcoming presidential and legislative elections; and the security situation in the Democratic Republic of the Congo.

Mr. Meece informed the Council of the efforts being made by the Independent National Electoral Commission (CENI) and the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO) to promote dialogue between the political parties, through the election dispute mechanism. He stated that political parties have been requested to sign the electoral code of conduct, with a view to ensuring a peaceful atmosphere during the election.

Council members called on all the political parties in the Democratic Republic of the Congo, particularly the opposition party Union for Democracy and Social Progress (UDPS) and its allies, to sign the electoral code of conduct, without further delay.

In a statement to the press following the meeting, the Council reiterated its call for credible and peaceful elections for which the Government of the Democratic

Republic of the Congo bears the primary responsibility. The Council called on MONUSCO to continue to support CENI in the conduct of the forthcoming election.

Liberia

On 17 October 2011, the Council received a briefing in closed consultations, by video link, by the Special Representative of the Secretary-General for Liberia, Ellen Margrethe Løj, on the situation in that country following the conclusion of the first round of presidential elections. Noting that the stakes will be higher in the second round of the elections, she called for continued international engagement with the parties, especially the main opposition party, Congress for Democratic Change, to resolve all outstanding electoral issues. The Special Representative of the Secretary-General suggested that international observers be present in greater numbers for the run-off election and maintain their presence throughout the tallying of the results in order to enhance the credibility of the process.

Council members expressed support for the electoral process in Liberia. They called on the parties to exercise restraint and urged them to avoid inflammatory rhetoric or provocative actions that could lead to civil unrest.

On 26 October 2011, the Council issued a press statement commending the people of Liberia on the completion of the first round of the presidential and legislative elections and looked forward to the peaceful conduct of the second round. It underscored the importance of peaceful, credible and transparent elections.

Libya

In consultations of the whole on 13 October 2011, the Council heard a briefing by the Special Representative of the Secretary-General for Libya, Ian Martin, by video link. He informed the Council that the situation in Libya remained fragile in spite of the near total control of the country by the National Transitional Council. He stated that early demobilization of armed civilians, in view of the proliferation of arms across Libya, particularly in Tripoli, remained a critical challenge for both the National Transitional Council and the United Nations Support Mission in Libya (UNSMIL). Mr. Martin also stated that the National Transitional Council was actively engaged in addressing the security gaps and was in the process of forming a Supreme Security Council, tasked with the maintenance of security in the country.

Council members called for national reconciliation and unity, and an inclusive political process. They expressed concern about the proliferation of arms in Libya, noting that it remained a threat to the stability of the country and the subregion. They stressed that demobilization should remain a key priority for the National Transitional Council.

On 21 October 2011, the Council, in consultations of the whole, exchanged views on the lifting of the no-fly zone in Libya in view of the recent developments in the country.

The Council was briefed again by Mr. Martin on 26 October 2011. He stated that the killings of Muammar al-Qadhafi and Mutassim al-Qadhafi were committed under circumstances that required investigation, and that other reports of extrajudicial killings were committed on both sides during the final battle for Sirte. He welcomed the announcement of an investigation by the National Transitional Council into the killings. He noted that such investigations were within the scope of

the Independent International Commission of Inquiry mandated by the Human Rights Council.

Mr. Martin observed that the flow of weapons across borders is a cause for concern for Libya's neighbours. He added that the migration of workers from Libya and the movement of armed elements from the former regime have grave regional implications. He stated that the United Nations will support the efforts of the African Union and Libya's neighbours to address the challenge.

In consultations of the whole, Council members urged the National Transitional Council to act swiftly in establishing an inclusive interim government and to ensure that it keep to the transition timetable. They urged Libyans to cultivate a spirit of reconciliation and refrain from reprisal attacks. Council members called for the termination of the no-fly zone, noting that the conditions that had led to the imposition of the no-fly zone no longer existed. They acknowledged the important role that the United Nations should play in Libya's transition and rebuilding processes.

On 27 October 2011, the Council unanimously adopted resolution 2016 (2011), terminating the provisions of resolution 1973 (2011) concerning both the protection of civilians and the banning of all flights in the airspace of Libya with effect from 23.59 Libyan local time on 31 October 2011. The Council also unanimously adopted resolution 2017 (2011) on 31 October 2011, in which it called upon the Libyan authorities to take all necessary steps to prevent the proliferation of all arms and related materiel of all types, in particular man-portable surface-to-air missiles, to ensure their proper custody, and to meet Libya's arms control, disarmament and non-proliferation obligations under international law. It further called upon the Libyan authorities to continue their close coordination with the Organization for the Prohibition of Chemical Weapons on the destruction of their stockpiles of chemical weapons.

The Council also requested the Committee established pursuant to resolution 1970 (2011), with assistance from its Panel of Experts, in cooperation with the Counter-Terrorism Executive Directorate and working with other relevant United Nations bodies, including the International Civil Aviation Organization, to submit a report on proposals to counter the threat of arms proliferation.

Sudan and South Sudan

On 6 October 2011, the new Under-Secretary-General for Peacekeeping Operations, Hervé Ladsous, briefed the Council on the situation in Abyei. Mr. Ladsous noted that the parties to the 20 June agreement had not made significant progress on the withdrawal of their armed forces from Abyei, as they had committed to do.

He underlined the need for coherent administration of the border region, given that the Misseriya people, in their seasonal nomadic migration, would be traversing an international border for the first time. He therefore called upon the Council to authorize support of the United Nations Interim Security Force for Abyei (UNISFA) for the establishment of a border monitoring mechanism, as recommended by the Secretary-General. He also urged the Council to engage the parties in the withdrawal of their forces from Abyei to enable the return of internally displaced persons and to ensure peaceful migration.

During consultations of the whole, Council members called on the parties to fulfil their commitments under the 20 June agreement, including the redeployment of their forces. They expressed readiness to consider additional tasks for UNISFA. They remarked that border administration in Abyei was one of the extant issues of the Comprehensive Peace Agreement, and called on the parties to recommit themselves to the Comprehensive Peace Agreement in order to resolve the outstanding issues.

Mr. Ladsous briefed the Council again on 11 October 2011, in closed consultations, on some outstanding questions, including the status of the withdrawal of the Sudanese Armed Forces and the Sudan People's Liberation Army, and the relationship between the Governments of the Sudan and South Sudan on Abyei. He stated that the administration of Abyei was crucial for regional stability and security, and that progress was linked to a solution on border security, oil revenues and the joint political mechanism.

On 11 October 2011, the Council issued a press statement condemning the attack on peacekeepers of the African Union-United Nations Hybrid Operation in Darfur (UNAMID) in Darfur, which resulted in the death of two soldiers and one police adviser and six seriously wounded.

On the situation in Darfur, the Council heard a briefing by the Under-Secretary-General for Peacekeeping Operations on 25 October 2011. He highlighted progress in the implementation of the provisions of the Doha Document for Peace in Darfur, and the agreement between the Sudanese Government and the Justice and Equality Movement. He noted broad support among the civil society, internally displaced persons and local authorities for these initiatives.

Council members, in consultations of the whole, expressed support for the Doha Document and the road map for peace and urged the Government of Sudan to cooperate with UNAMID.

Somalia

The Council issued a press statement on 4 October 2011, condemning the terrorist attack in Mogadishu, which resulted in more than 100 deaths and several injuries.

On 24 October 2011, the Council unanimously adopted resolution 2015 (2011) concerning piracy off the coast of Somalia. Among other issues, the resolution called upon Member States to report by the end of the year on the steps they have taken to criminalize piracy under their domestic laws.

The Council also decided to continue its consideration, as a matter of urgency and without prejudice to any further steps to ensure that pirates are held accountable, of the establishment of specialized anti-piracy courts in Somalia and other States in the region with substantial international participation and/or support.

On 31 October 2011, the Council was briefed by Assistant Secretary-General for Political Affairs, Tayé-Brook Zerihoun, on the situation in Somalia. He stated that the fight against piracy off the coast of Somalia could be won only through an integrated strategy involving deterrence, security, the rule of law and development. He suggested that counter-piracy efforts should be an integral element of the Somalia peace process.

In consultations of the whole, Council members pointed to the need for a comprehensive strategy to address the instability in Somalia.

Western Sahara

On 26 October 2011, the Council, in consultations of the whole, was briefed by the Personal Envoy of the Secretary-General to Western Sahara, Christopher Ross. He said that the peace process remained deadlocked after several rounds of negotiations. Both parties had continued to maintain their mutually exclusive positions and to reject each other's proposals as a basis for future negotiations. They had, however, reached agreement on the subsidiary issues of natural resources, de-mining, education, health and environment.

Council members called upon the parties to demonstrate further political will and to remain committed to the negotiation process.

Peace and security in Africa: piracy in the Gulf of Guinea

The Council held a briefing, on 19 October 2011, on piracy in the Gulf of Guinea. In his address, the Secretary-General commended the States in the Gulf of Guinea and their partners for working together to deal with the threat of piracy. He noted that the forthcoming United Nations assessment mission would examine the scope of the threat, as well as the capacity of the countries of the West African subregion to ensure maritime safety and security in the Gulf of Guinea. It would also examine the threat of piracy and armed robbery at sea in the Gulf of Guinea and explore options on how best to address the problem. The Secretary-General called upon Member States to join the efforts of the subregion to confront the threat.

Briefing the Council, General Mahamane Touré, Commissioner for Political Affairs, Peace and Security of the Economic Community of West African States, reported on the key initiatives in the region to tackle the threat of piracy. He stated that more needed to be done and called for a Security Council resolution that would underpin ongoing regional efforts. In particular, he said the resolution should take into account the challenges facing inland countries in the region, as well as illegal trafficking and illegal dumping at sea.

Florentina Adenike Ukonga, Deputy Executive Secretary for Political Affairs of the Gulf of Guinea Commission, noted that piracy, if not checked, could have negative consequences for both the countries of the Gulf of Guinea and landlocked countries that depend on coastal access. She called for international expertise and technical support for the region in the areas of monitoring and security.

Speaking on behalf of the countries of the Gulf of Guinea, the Permanent Representative of Benin said that the adoption of a Security Council resolution would send a strong signal to the pirates that the international community was united in the fight against the threat.

Council members welcomed the initiative of the Secretary-General to send an assessment mission to the subregion. They encouraged the international community to assist the efforts of the countries and regional organizations along the coast of the Gulf of Guinea through, among other things, technical assistance and capacity-building. Several speakers called for a holistic approach that would not only take into account maritime security, but also address the root causes of piracy, such as poverty and lack of economic opportunities for young people.

On 31 October 2011, the Council unanimously adopted resolution 2018 (2011), condemning all acts of piracy and armed robbery at sea committed off the coast of the States of the Gulf of Guinea.

Americas

Haiti

On 14 October 2011, the Council adopted resolution 2012 (2011), by which it decided to extend the mandate of the United Nations Stabilization Mission in Haiti for 12 months. It endorsed the recommendation of the Secretary-General to reduce overall force levels based on an assessment of the security situation on the ground.

Europe

Kosovo

The Council exchanged views on the situation in Kosovo, in consultations of the whole, on 17 October 2011.

Asia

Afghanistan

On 12 October 2011, the Council adopted resolution 2011 (2011), by which it extended its authorization of the International Security Assistance Force for 12 months. It issued a press statement on 31 October 2011 condemning the terrorist attack against the guest house of the United Nations High Commissioner for Refugees in Kandahar, Afghanistan, which resulted in the deaths and injury of United Nations staff, as well as Afghan police officers, who were protecting the United Nations personnel.

Middle East

Lebanon

The Council was briefed in consultations of the whole on 27 October 2011, by the Special Envoy of the Secretary-General, Terje Roed-Larsen, on the implementation of Security Council resolution 1559 (2004). He lamented the lack of progress in the implementation of the remaining provisions of the resolution, such as those related to border delineation, the disarmament of militia groups, and violations of the territorial integrity of Lebanon and its airspace. He noted that these challenges continued to persist in spite of assurances by the parties of their commitment to implementing their obligations under said resolution.

Council Members reaffirmed their call to respect the sovereignty of Lebanon, and urged neighbouring countries to refrain from violating its territorial integrity. They noted that only through a Lebanese-led political process can the disarming of militia groups in Lebanon take place. They condemned the attacks on the personnel of the United Nations Interim Force in Lebanon and the restrictions imposed on

them in the discharge of the mandate of the Mission. They called on regional partners to support the efforts of the Government of Lebanon in ensuring stability in the country.

Situation in the Middle East, including the Palestinian question

On 24 October 2011, the Council held an open debate on the situation in the Middle East, at which it heard a briefing by the Under-Secretary-General for Political Affairs, Lynn Pascoe. He said that the recent exchange of prisoners between the Israelis and the Palestinians marked a significant humanitarian breakthrough. He encouraged the parties to display equal determination in the search for a lasting solution to the Middle East problem. Noting the Quartet statement of 23 September 2011, Mr. Pascoe urged the parties to refrain from provocations and to be ready to offer serious proposals on borders and security for negotiation in order to avoid the deepening of the impasse. Statements were made by the Permanent Representative of Israel and the Permanent Observer for Palestine.

Council and non-Council members called on the parties to seize the momentum and work towards early resumption of direct negotiations within the framework of the Quartet statement of 23 September 2011. In addition, they were encouraged to forge consensus on all permanent status issues. Several Member States expressed views on the Palestinian application for admission to United Nations membership, under consideration by the Security Council.

Other issues

On 4 October 2011, the Security Council considered a draft resolution on the Syrian Arab Republic. The draft resolution was not adopted owing to the negative vote of two permanent members. Four members of the Council abstained. The Council heard a statement by the representative of the Syrian Arab Republic.

Yemen

On 11 October 2011, the Council, in consultations of the whole, was briefed by the Special Adviser to the Secretary-General for Yemen, Jamal Benomar, on recent developments in that country.

Mr. Benomar informed the Council that the Yemeni parties had reached a consensus regarding endorsing the Vice-President, who is now steering the transition, to succeed President Saleh. He also noted the continued relevance of the Gulf Cooperation Council initiative in the search for peace in Yemen. However, he observed that President Saleh's refusal to endorse the initiative of the Gulf Cooperation Council in line with the agreements reached in July 2011 remained an impediment to a political solution.

Council members noted the importance of the good offices of the Secretary-General and of the Gulf Cooperation Council initiative in the efforts to resolve the political crisis in Yemen. They urged the parties to renounce violence and engage in meaningful negotiations in order to end the conflict in the interest of the country and of regional and international peace and security.

The Council adopted resolution 2014 (2011) on 21 October 2011, in which it expressed grave concern at the deteriorating situation in Yemen, and strongly condemned the continued human rights violations and abuses in Yemen. The

Council called for the signing and the implementation of the Gulf Cooperation Council initiative for an inclusive, orderly and Yemeni-led process of political transition.

Thematic and general issues

Briefing by the Department of Political Affairs

On 14 October 2011, the Council was briefed in consultations of the whole by the Under-Secretary-General for Political Affairs on the situation in the Horn of Africa and on Security Council sanctions and the Panel of Experts. There was an exchange of views by Council members following the briefing.

International Criminal Tribunal for Rwanda

On 14 October 2011, the Council adopted resolution 2013 (2011), authorizing Judge Bakhtiyar Tuzmukhamedov to work part-time and engage in another judicial occupation until 31 December 2011.

Private meeting with the President of the International Court of Justice (report of the International Court of Justice (S/2011/784))

On 25 October 2011, Council members held discussions with the President of the International Court of Justice, Judge Hisashi Owada.

Admission of new members

On 18 October 2011, the Committee on the Admission of New Members, meeting at the permanent representative level, was briefed by its Chair on the progress of the expert level consultations on Palestine's application for membership in the United Nations.

Annual report of the Security Council

On 27 October 2011, the Security Council adopted its annual report to the General Assembly for the period 2010-2011.

Maintenance of international peace and security

The Council held an open thematic debate on security sector reform in Africa on 12 October 2011. In his briefing, the Under-Secretary-General for Peacekeeping Operations noted that security sector reform was a crucial preventive tool. He said that an ineffective and poorly governed security sector is one of the major obstacles to stability, poverty reduction, the achievement of sustainable development and peacebuilding. He also noted that the African Union was at the forefront of developing a security sector reform framework, and encouraged other regions to draw on that rich experience to develop similar frameworks that aim to build professional, well-governed security sectors that could contribute to sustainable development, peace and security.

The Under-Secretary-General said the United Nations Inter-Agency Security Sector Reform Task Force and the Security Sector Reform Unit of the Office of the Rule of Law and Security Institutions had become major providers of field support.

The Task Force had been successful in bringing together a broad range of expertise to provide diverse, specialized and coherent United Nations support. He called on Member States to strengthen the capacities of the United Nations in that regard.

The Council agreed on a presidential statement (S/PRST/2011/19) emphasizing that establishing effective, professional and accountable security sectors was at the cornerstone of peace and sustainable development. The Council noted that the bulk of the assistance of the international community in the area of security sector reform took place in or was directed to countries in Africa, and that a number of African countries were becoming important providers of such assistance. In welcoming the intra-African collaboration, it stressed the need to expand the consideration given to African perspectives on security sector reform.

The Council recognized that security sector reform was a long-term process that should be nationally owned and rooted in the particular needs and conditions of the country in question. It encouraged reforming States to strive to allocate national resources to such reform efforts in order to ensure their long-term sustainability and viability.

The Council emphasized the importance of improving women's participation in discussions pertinent to the prevention and the resolution of conflict and the maintenance of peace and security, and encouraged women to participate in national armed and security forces. In that regard, the Council encouraged the development of security sectors that were accessible and responsive to all, including women and other vulnerable groups. It further recognized the importance of regional frameworks as a foundation for multilateral security sector reform efforts. It welcomed the partnership between the United Nations and the African Union in developing a continental security sector reform policy framework, and encouraged other regions to consider establishing such partnerships in order to better facilitate the exchange of lessons learned and best practices.

Women and peace and security

On 28 October 2011, the Council held an open debate on women and peace and security. Addressing the meeting, the Secretary-General observed that women had minimal participation in conflict prevention and resolution. He said that, in order to reverse that trend, the United Nations would lead by example, and noted that in the past year the number of women leading United Nations peacekeeping, political and peacebuilding missions had gone up to 6 in 33 missions.

The Under-Secretary-General for Gender Equality and the Empowerment of Women (UN-Women) and Executive Director of UN-Women, Michelle Bachelet, said in her statement that the United Nations system was working to increase post-conflict spending on women's empowerment and gender equality. She urged Member States to develop national planning instruments to increase the number of women in security, governance and foreign service sectors. In addition, she called for greater investment in women's post-conflict recovery and justice needs and reparations.

The President of the Economic and Social Council, Lazarous Kapambwe, called on the United Nations system to develop a more coherent response to end all forms of discrimination and violence against women, with special attention to the linkage between HIV/AIDS and sexual violence.

Speaking on behalf of the Non-Governmental Organization Working Group on Women, Peace and Security, Orzala Ashraf Nemat said that urgent steps must be taken to increase women's participation in the prevention of conflict.

The Council agreed on a presidential statement (S/PRST/2011/20) that, among other issues, stressed the importance of promoting and protecting the human rights of women in armed conflict and post-conflict situations. It also acknowledged the potentially significant contributions that women can make to conflict prevention and mediation efforts, and encouraged measures to increase the numbers of women involved in such efforts.

Post-conflict peacebuilding

On 31 October 2011, the Assistant Secretary-General for Peacebuilding Support, Judy Cheng-Hopkins, briefed the Security Council on the United Nations post-conflict peacebuilding agenda. She stressed that the agenda had been developed with the understanding that a coordinated, system-wide approach to the issue was required, given the multitude of actors that needed to be involved. She noted that progress had been achieved in galvanizing the United Nations system and Member States around the common goal of improved civilian expertise in peacebuilding operations.

The Chair of the Guinea configuration of the Peacebuilding Commission, Sylvie Lucas, also briefed the Council. She said that the Commission had adopted an action-oriented road map focused on reinforcing its impact in the field in the six countries on its agenda.

Council members stressed that national ownership was key to peacebuilding efforts and called for international support for the United Nations peacebuilding agenda. They said that peacekeeping and peacebuilding should be seen as an integrated effort and stressed that relevant activities should therefore begin as soon as possible.

United Nations S/2011/785

Security Council

Distr.: General
21 December 2011

Original: English

France, Gabon, Germany, United Kingdom of Great Britain and Northern Ireland and United States of America: draft resolution

The Security Council,

Recalling the statements of its President relating to the situation in the Central African Republic, in particular S/PRST/2010/29, S/PRST/2010/26, S/PRST/2009/35, S/PRST/2009/13, and S/PRST/2009/5,

Reaffirming its strong commitment to the sovereignty, independence, territorial integrity and unity of the Central African Republic, and *recalling* the importance of the principles of good-neighbourliness and regional cooperation,

Welcoming ongoing efforts aimed at national reconciliation in the Central African Republic based on the Libreville Comprehensive Peace Agreement of 2008, *calling on* its signatories to remain committed to the Agreement, and *calling on* all remaining armed groups to join the Agreement without delay,

Acknowledging the important role played by the United Nations Integrated Peacebuilding Office in the Central African Republic (BINUCA) in support of mediation efforts undertaken by the Government of the Central African Republic and the National Mediator,

Acknowledging the efforts made by the authorities of the Central African Republic, the Independent Electoral Commission and all Central African stakeholders in organizing peaceful presidential and legislative elections in 2011, and *welcoming* the establishment by the Government of the Central African Republic on 14 July 2011 of a Transitional Committee for Elections,

Noting with concern that the near absence of a political opposition in the democratic institutions of the Central African Republic, which has added to the atmosphere of tension in the country, may constitute a considerable challenge to the process of national reconciliation and nation-building,

Welcoming the intention of the Government of the Central African Republic to work towards an all-inclusive political approach for the reform of the electoral code and the establishment of a permanent electoral management body, and *welcoming* in this regard the organization by the Government, with the support of BINUCA, of a workshop on electoral reforms with all national stakeholders from 28 to 30 November 2011,

Expressing deep concern at the precarious security situation in the Central African Republic due to the persisting presence and activities of national and

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foreign armed groups, including the Lord's Resistance Army (LRA) and the Front Populaire pour le Redressement (FPR), that threaten peace and security in the Central African Republic and the subregion,

Expressing concern at the lack of State authority outside the capital which has led to a serious security vacuum in many parts of the Central African Republic,

Welcoming the ceasefire agreement signed between the Government and the Convention des Patriotes pour la Justice et la Paix (CPJP) and the ceasefire agreement signed between CPJP and the Union des Forces Démocratiques pour le Rassemblement (UFDR) under the auspices of the Government and the National Mediator and with the support of the United Nations, the African Union, the Mission for the Consolidation of Peace in the Central African Republic (MICOPAX) and the Government of Chad,

Commending the African Union's regional cooperation initiative for the elimination of the LRA, the appointment in November of a Special Envoy on the LRA, and its efforts to establish a Regional Intervention Force, a Joint Operations Centre and a Joint Co-ordination Mechanism,

Recalling its resolutions 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009), and 1960 (2010), on women, peace and security and its resolutions 1612 (2005), 1882 (2009) and 1998 (2011) on children and armed conflict, *recalling* the conclusions of the Security Council Working Group on Children and Armed Conflict, including inter alia the adoption of action plans to put an end to the recruitment and use of children by armed groups, including by self-defence militias, and also *recalling* resolutions 1265 (1999), 1296 (2000), 1325 (2000), 1612 (2005), 1674 (2006), 1738 (2006), 1820 (2008), 1882 (2009), 1888 (2009) and 1889 (2009) on the protection of civilians in armed conflicts,

Expressing serious concern at reports of continued human rights violations, in particular cases of extrajudicial executions and restrictions on civil liberties,

Noting the importance of the current dialogue between the Government of the Central African Republic and the International Monetary Fund on economic and financial developments in the Central African Republic,

Welcoming the continued engagement of the Peacebuilding Commission in the Central African Republic and the recent visit of a delegation from the Commission's country-specific configuration, and *acknowledging* the contribution of the Peacebuilding Fund to peacebuilding in the Central African Republic,

Having considered the report (S/2011/739) of the Secretary-General on the situation in the Central African Republic and on the activities of BINUCA,

1. *Decides* to extend the mandate of BINUCA as recommended by the Secretary-General in his report (S/2011/739), until 31 January 2013;

2. *Underlines* the importance of a fully integrated office ensuring effective coordination of strategy and programmes among the United Nations agencies, funds and programmes in the Central African Republic, and *emphasizes* the role of the Secretary-General's Special Representative in coordinating the country team;

3. *Looks forward* to the Government's progress on the creation of a permanent and independent electoral management body responsible for organizing future elections and on the revision of the electoral code, drawing from the lessons

learned during the elections held earlier in the year, and *calls upon* the Government to organize municipal elections as soon as possible;

4. *Encourages* the Government to continue to engage in consultations with the opposition in a consensual and inclusive manner, including on the electoral reform;

5. *Urges* the Government of the Central African Republic to ensure that freedom of expression and assembly, including for the opposition parties, as well as the rule of law, which are essential for democracy, are fully respected; and *urges* the opposition parties and the Government to engage in a constructive dialogue to establish an environment allowing equal chances in the run-up to next electoral cycle;

6. *Calls on* the Government of the Central African Republic and all armed groups to remain committed to the national reconciliation process by fully observing the recommendations of the Inclusive Political dialogue that ended in 2008, and *demands* that all armed groups cooperate with the Government in the disarmament, demobilization and reintegration process;

7. *Welcomes* the progress the Central African Republic has made in the disarmament and demobilization of former combatants in the Northwest, following the launch of related activities by President Bozizé on 25 June 2011, and *encourages* the Government of the Central African Republic to pursue the disarmament and demobilization of former combatants, in particular members of UFDR and CPJP;

8. *Welcomes* the finalization on 8 July 2011 of the national strategy for the reintegration of former combatants drafted with the support of BINUCA, and *urges* the Government of the Central African Republic to redouble its efforts towards ensuring national ownership and full implementation of the strategy, in line with the wider security sector reform (SSR), and to define a timeline and draw-up specific reintegration programmes in order to be able to seek support from bilateral and multilateral partners;

9. *Underscores* the importance of SSR in the Central African Republic, *notes with concern* the absence of a credible and viable national SSR strategy and, in this regard, *calls upon* the Government of the Central African Republic to reengage in a meaningful dialogue with BINUCA on this issue, in particular by taking into consideration the SSR roadmap drafted by BINUCA in response to the request by the Government for help to revive the SSR process;

10. *Expresses concern* at the security situation in the Central African Republic, which remains precarious, *welcomes* in this regard the continued efforts of MICOPAX in support of durable peace and security in the Central African Republic, and *calls on* countries in the subregion, and regional and subregional organizations to consider, upon request of the Central African Republic, the extension of the mandate of MICOPAX and other measures deemed appropriate to improve the security situation in the Central African Republic and the subregion;

11. *Underscores* the primary responsibility of the Government of the Central African Republic to promote security and protect its civilians with full respect for the rule of law, human rights, and international humanitarian law, *stresses* the importance of bilateral partners' work enhancing the capacity of the Central African

Republic Armed Forces and *stresses* that such assistance should be in support of the wider security reform process;

12. *Underscores* the need for Chad, Sudan and the Central African Republic to implement the tripartite agreement that was signed on 23 May 2011 in Khartoum to enhance security in their common border areas through joint patrols, and also the need for Chad, the Central African Republic and Cameroun to pursue the Tripartite Initiative, signed in December 2005, aimed at enhancing security at their borders;

13. *Expresses deep concern* at the extensive recruitment and the acquisition of weapons by the FPR, which threaten peace and security in the Central African Republic and the region and constitute violations of the commitments made by the FPR to lay down its weapons and enter into discussions towards peace in the Final Communiqué signed on 13 June 2011 by FPR leader Baba Laddé and the national mediators of Chad and the Central African Republic, *condemns* human rights violations perpetrated by the FPR, and *encourages* the Government of the Central African Republic to continue to liaise with the Government of Chad to reach a solution;

14. *Strongly condemns* the continued violations of international humanitarian and human rights law, including the recruitment and use of children, killing and maiming, rape, sexual slavery and other sexual violence and abductions perpetrated by armed groups, and specifically the LRA that threaten the population as well as peace and stability of the Central African Republic and the subregion, and *calls on* BINUCA to report on human rights violations perpetrated by armed groups particularly against children and women;

15. *Welcomes* the efforts of the Government of the Central African Republic to combat the LRA on its territory, *further welcomes* the African Union's Regional Cooperation Initiative for the elimination of the LRA and the appointment of an African Union Special Envoy to coordinate this activity, and *commends* States in the region for their increased cooperation and efforts to address this threat;

16. *Welcomes* the designation by BINUCA of a focal point for LRA-related activities and the establishment of a working group that includes national and international stakeholders, including the African Union, the European Union, the United States of America, France and United Nations Office in Central Africa (UNOCA), and *calls on* BINUCA to reinforce information sharing on the LRA, in particular with the United Nations Regional Office for Central Africa (UNOCA), the United Nations Office to the African Union (UNOAU), the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo (MONUSCO), the United Nations Mission in the Republic of South-Sudan (UNMISS) and the newly appointed African Union Special Envoy for the LRA, and to assist the Government of the Central African Republic in developing a strategy and supporting activities to encourage defections from the LRA, address the disarmament and demobilization of LRA escapees and defectors, and their resettlement or repatriation to their countries of origin, within existing resources;

17. *Urges* all parties concerned to provide for unhindered humanitarian access to populations in need;

18. *Welcomes* the recent signature by the Armée Populaire pour la Restauration de la Démocratie (APRD) and the CPJP of action plans to halt the recruitment and use of children, *calls on* all remaining parties listed in the

Secretary-General's report on children and armed conflict to follow suit as soon as possible, *welcomes* the work of the Special Representative of the Secretary-General on Children and Armed Conflict in the Central African Republic and *encourages* the parties to continue engaging with her in this regard, *calls on* the international community to support child reintegration efforts, and *urges* the Government of the Central African Republic to continue to strengthen the protection of children, including through the implementation of pertinent legislation and in the conduct of military operations;

19. *Expresses concern* at persistent incidents of sexual and gender-based violence, and *encourages* BINUCA to continue engaging with the Government of the Central African Republic and other stakeholders, including the Special Representative of the Secretary-General, to address these issues;

20. *Urges* the Government of the Central African Republic to investigate reports of human rights violations in the country, to ensure that those who may be responsible for such violations are brought to justice, and to take the necessary steps to prevent further violations;

21. *Encourages* the Government of the Central African Republic to more meaningfully engage the Bretton Woods institutions, especially the International Monetary Fund, as their assistance is critical for the revitalization of the economy and for the development of the country;

22. *Encourages* the Government of the Central African Republic, the Peacebuilding Commission and its national and international partners to honour the commitments made under the Strategic Framework for Peacebuilding, *requests* the Peacebuilding Commission, with the support of BINUCA, to continue to assist the Government in laying the foundations for sustainable peace and development in the Central African Republic, including by ensuring that progress is made in the enforcement of rule of law, and that peacebuilding objectives are fully taken into account in the future strategic planning processes, and *requests* the Peacebuilding Commission to provide advice to the Security Council on these issues;

23. *Commends* the Government of the Central African Republic for launching its Second Generation Poverty Reduction Strategy Paper (PRSP II), and *calls on* the Government to prioritize its objectives, including those on access to basic services and health care, food security, infrastructure and DDR as well as SSR, and to tackle the issue of corruption, and enhance fiscal transparency;

24. *Decides* to remain actively seized of the matter.

United Nations S/2011/786

Security Council

Distr.: General
21 December 2011

Original: English

Brazil, Nigeria and Portugal: draft resolution

The Security Council,

Recalling its previous resolutions and statements of its President concerning the situation in Guinea-Bissau, in particular its resolutions 1876 (2009) and 1949 (2010),

Welcoming the efforts made by the Government of Guinea-Bissau towards the maintenance of stability and constitutional order, including the work of the National Assembly on reconciliation,

Noting the encouraging steps taken by the Government of Guinea-Bissau in achieving economic reform, including public administration and public finance reforms, and *welcoming* the adoption by the authorities of Guinea-Bissau of the second poverty reduction strategy paper and a national strategic document for action on the social determinants of health, and noting the efforts of bilateral partners to support the development of the health sector,

Stressing the importance of the upcoming legislative election in Guinea-Bissau and the need to have free, fair and transparent elections as a crucial and necessary step towards the consolidation of democracy and national reconciliation, and *calling upon* all stakeholders to contribute to a peaceful environment during and after the election,

Reaffirming that the Government of Guinea-Bissau and all stakeholders must remain committed to national reconciliation through genuine and inclusive political dialogue, respect for constitutional order, reforms in the defence, security and justice sectors, the promotion of the rule of law, human rights and the promotion of socio-economic development and the fight against impunity and illicit drug trafficking,

Stressing the importance of security sector reform for the consolidation of peace in Guinea-Bissau and the need for the authorities of Guinea-Bissau to intensify efforts to create the enabling environment for enhanced civilian control over the security forces of Guinea-Bissau, in particular the armed forces,

Noting with deep concern the threats to national and subregional security and stability posed by the growth in illicit drug trafficking and organized crime in Guinea-Bissau, *welcoming* the approval by the Government of the 2011-2014 National Operational Plan to combat illicit drug trafficking and organized crime and the establishment in Guinea-Bissau, under the framework of the West Africa Coast

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Initiative (WACI), of a Transnational Crime Unit, and *re-emphasizing* the need to tackle the problem of illicit drug trafficking in the countries of origin, transit and final destination through an approach of common and shared responsibility,

Reiterating the importance of the continued support of the United Nations and the international community for the long-term security and development of Guinea-Bissau, particularly in the fields of security sector reform, justice, the fight against illicit drug trafficking and to create the enabling environment to fight impunity and strengthen Guinea-Bissau's institutional capacity,

Welcoming the efforts of the Economic Community of West African States (ECOWAS) and the Community of Portuguese-Speaking Countries (CPLP) to assist in the reforms of the defence and security sectors in Guinea-Bissau, *noting* the need for further efforts to implement the ECOWAS-CPLP road map in support of those reforms and *encouraging* the international community to remain engaged in addressing key challenges in the country,

Reiterating the importance of regional and subregional cooperation in addressing the challenges faced by Guinea-Bissau,

Encouraging relevant stakeholders to remain engaged in addressing key governance and peacebuilding challenges in the country,

Re-emphasizing that the Government of Guinea-Bissau bears the primary responsibility for security, the protection of its civilian population, peacebuilding and long-term development in the country,

Recalling its appreciation for the work of the United Nations Integrated Peacebuilding Office in Guinea-Bissau (UNIOGBIS) in coordinating the assistance provided by the United Nations and international partners to Guinea-Bissau,

Welcoming the continued engagement of the Peacebuilding Commission (PBC) in Guinea-Bissau and the recent visit of the Chair of the Commission's Guinea-Bissau Configuration, *taking note* of the briefing of the Chair of the Guinea-Bissau Configuration of the PBC on 3 November 2011 and *acknowledging* the contribution of the Peacebuilding Fund to peacebuilding in Guinea-Bissau,

Reaffirming its full commitment to the consolidation of peace and stability in Guinea-Bissau,

1. *Decides* to extend the mandate of UNIOGBIS as established in paragraph 3 of resolution 1876 (2009), until 28 February 2013;

2. *Takes note* of the report of the Secretary-General on Guinea-Bissau dated 21 October 2011 (S/2011/655) and of the recommendations contained therein and welcomes the activities of UNIOGBIS;

3. *Takes note* of the strategic work plan developed pursuant to resolution 1949, *emphasizes* that the reform of the defence and security sectors, the fight against impunity and the fight against illicit drug trafficking remain priority sectors for peace consolidation in Guinea-Bissau and *further requests* the Secretary-General to measure and track progress, in the next reports, on the work of UNIOGBIS in support of efforts by the relevant authorities of Guinea-Bissau in those sectors through the appropriate benchmarks, including recommendations to address gaps if there are any, without prejudice to the remaining tasks of the UNIOGBIS mandate;

4. *Calls upon* the Government and all political stakeholders in Guinea-Bissau to work together to consolidate peace and stability in the country, use legal and peaceful means to resolve differences and intensify efforts for genuine and inclusive political dialogue and national reconciliation, including the National Conference on Reconciliation and requests the Secretary-General, including through his Special Representative, to support such efforts;

5. *Urges* members of the Armed Forces of Guinea-Bissau, in particular its leaders, to respect constitutional order, civilian rule and oversight, as well as the rule of law and human rights, to refrain from any interference in political issues, to guarantee the security of the national institutions, as well as the population in general, and to fully participate in the reform of the defence and security sectors *further urges* Guinea-Bissau's political leaders to refrain from involving the military and the judiciary in politics;

6. *Requests* the Secretary-General, through his Special Representative in Guinea-Bissau, to continue to assist the Government to enhance its coordination of international assistance for credible security sector reform under the principle of national ownership and full civilian control of the military;

7. *Welcomes* the ECOWAS-CPLP partnership to support Security Sector Reform (SSR) in Guinea-Bissau, *calls on* ECOWAS, CPLP and the Government of Guinea-Bissau to continue to fulfil their commitments in the framework of the ECOWAS-CPLP road map, especially the operationalization of a pension fund for members of the armed forces and security services, including their leaders, as well as the rejuvenation and professionalization of the military and security structures, *recognizes* the importance of contributions to the pension fund to take forward SSR, and in this context *further welcomes* the contribution of the Government of Guinea-Bissau to the pension fund and *further calls on* the authorities of Guinea-Bissau to complete the adoption of the basic legislation and framework related to the reform of the defence and security sectors including the pension fund;

8. *Calls* for the conclusion of the investigations into the political assassinations of March and June 2009 as soon as possible, *calls on* the Government of Guinea-Bissau to create the enabling environment to ensure that the work of the National Commission of Inquiry is credible, transparent and consistent with internationally agreed standards, and *requests* the Secretary-General, to assist in the conclusion of these investigations, and *further calls on* the AU, ECOWAS, the CPLP, the European Union (EU) and other partners, to support, as appropriate, these and other efforts by the authorities to end impunity;

9. *Calls upon* the authorities of Guinea-Bissau to ensure the prosecution, with full respect for due process, of those responsible for all criminal acts including illicit drug trafficking;

10. *Urges* the Government of Guinea-Bissau to continue to tackle corruption including by implementing the United Nations Convention against Corruption;

11. *Encourages* the Government of Guinea-Bissau to continue the implementation of the West Africa Coast Initiative (WACI) in the country;

12. *Also urges* the international community, including the Peacebuilding Commission and regional organizations such as the AU, ECOWAS, the CPLP and the EU, as well as bilateral partners as appropriate, to increase their support to

WACI to fight transnational organized crime and illicit drug trafficking which threaten security and stability in Guinea-Bissau and in the subregion; *welcomes* in this regard the commitment of the Government of Guinea-Bissau to tackle this threat through the implementation of its 2011-2014 national operational plan and *calls on* the Government to allocate the necessary resources to implement the plan and for international partners to assist national authorities in this regard;

13. *Requests* the Peacebuilding Commission to continue to support the implementation of Guinea-Bissau's peacebuilding priorities as well as to continue to provide advice to the Security Council on how to remove critical obstacles to peacebuilding in Guinea-Bissau, in particular security sector reform and illicit drug trafficking and to keep the Council updated on progress it has made in helping to address these;

14. *Calls on* all national stakeholders, including political, military and civil society actors, to fully participate in the National Conference on Reconciliation and to ensure that a follow-up mechanism to implement the National Conference's recommendations be put in place;

15. *Encourages* the Special Representative of the Secretary-General to continue to pursue efforts to enhance integration and effectiveness of the United Nations presence on the ground in support of the stabilization, peace and development priorities of the Government and people of Guinea-Bissau and further, to give special attention to increased interaction with the authorities of Guinea-Bissau in order to strengthen its institutional capacities;

16. *Emphasizes* the important role of women in prevention and resolution of conflicts and in peacebuilding, as recognized in resolution 1325 (2000),1820 (2008), 1888 (2009),1889 (2009) and 1960 (2010), *underlines* that a gender perspective should continue to be taken into account in implementing all aspects of the mandate of UNIOGBIS, and encourages UNIOGBIS to continue to work with national authorities in this regard, and relevant stakeholders to improve women's participation in peacebuilding;

17. *Requests* the Secretary-General to report on progress made in implementing this resolution and the mandate of UNIOGBIS as outlined in resolution 1876 (2009) through a briefing in March 2012, a report in July 2012 and every six months thereafter;

18. *Decides* to remain actively seized of the matter.

United Nations S/2011/787

Security Council

Distr.: General
21 December 2011

Original: English

Portugal: draft resolution

The Security Council,

Taking note of the letters to the President of the Council from the Secretary-General dated 16 December 2011 (S/2011/780) and 20 December 2011 (S/2011/781) attaching letters from the President of the International Criminal Tribunal for Rwanda ("the International Tribunal") dated 26 November 2011 and 13 December 2011, respectively,

Recalling its resolutions 955 (1994) of 8 November 1994, 1503 (2003) of 28 August 2003 and 1534 (2004) of 26 March 2004, and its previous resolutions concerning the International Tribunal,

Recalling also its resolution 1966 (2010) of 22 December 2010, establishing the International Residual Mechanism for Criminal Tribunals ("the Mechanism") and requesting the International Tribunal to take all possible measures to expeditiously complete all its remaining work no later than 31 December 2014, prepare its closure and ensure a smooth transition to the Mechanism,

Recalling further that the branch of the Mechanism for the International Criminal Tribunal for Rwanda shall commence functioning on 1 July 2012,

Taking note of the assessments by the International Tribunal in its Completion Strategy Report (S/2011/731), and the updated trial and appeals schedule,

Noting that, upon the completion of the cases to which they are assigned, three permanent judges will be redeployed from the Trial Chamber to the Appeals Chamber, and two ad litem judges will leave the International Tribunal,

Noting the concerns expressed by the President and Prosecutor of the International Tribunal about staffing, and *reaffirming* that staff retention is essential for the timely completion of the International Tribunal's work,

Noting with concern that the International Tribunal continues to face problems in the relocation of acquitted persons and convicted persons who have completed serving their sentences,

Urging the International Tribunal to take all possible measures to complete its work expeditiously as requested in resolution 1966 (2010),

Acting under Chapter VII of the Charter of the United Nations,

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1. *Decides* to extend the term of office of the following permanent judges at the International Tribunal, who are members of the Trial Chamber, until 30 June 2012 or until the completion of the trials to which they are assigned, if sooner:

– Charles Michael Dennis Byron (Saint Kitts and Nevis)

– Khalida Rachid Khan (Pakistan)

– William H. Sekule (United Republic of Tanzania)

– Bakhtiyar Tuzmukhamedov (Russian Federation);

2. *Decides* to extend the term of office of the following ad litem judges at the International Tribunal, who are members of the Trial Chamber, until 30 June 2012 or until the completion of the trials to which they are assigned, if sooner:

– Florence Rita Arrey (Cameroon)

– Solomy Balungi Bossa (Uganda)

– Robert Fremr (Czech Republic)

– Vagn Joensen (Denmark)

– Gberdao Gustave Kam (Burkina Faso)

– Lee Gacugia Muthoga (Kenya)

– Seon Ki Park (Republic of Korea)

– Mparany Mamy Richard Rajohnson (Madagascar);

3. *Reiterates* the importance of the International Tribunal being adequately staffed to complete its work expeditiously and *calls upon* relevant United Nations bodies to intensify cooperation with the Secretariat and the Registrar of the International Tribunal and to take a flexible approach in order to find practicable solutions to address this issue as the International Tribunal approaches the completion of its work, and at the same time *calls upon* the International Tribunal to renew its efforts to focus on its core functions;

4. *Urges* all States, especially States where fugitives are suspected to be at large, to intensify further their cooperation with and render all necessary assistance to the International Tribunal, in particular to achieve the arrest and surrender of all remaining fugitives as soon as possible;

5. *Commends* States that have accepted the relocation of acquitted persons or convicted persons who have completed serving their sentences to their territories, and *reiterates* its call upon other States in a position to do so to cooperate with and render all necessary assistance to the International Tribunal in the relocation of acquitted persons and convicted persons who have completed serving their sentences;

6. *Decides* to remain seized of the matter.

United Nations S/2011/788

Security Council

Distr.: General
21 December 2011

Original: English

Letter dated 20 December 2011 from the Secretary-General addressed to the President of the Security Council

I have the honour to refer to Security Council resolution 1980 (2011) concerning Côte d'Ivoire. By paragraph 13 of the resolution, the Council decided to extend the mandate of the Group of Experts until 30 April 2012 and requested me to take the necessary administrative measures.

Accordingly, I wish to inform you that, after consulting with the Security Council Committee established pursuant to resolution 1572 (2004) concerning Côte d'Ivoire, I have appointed Mr. Simon Gilbert, United Kingdom of Great Britain and Northern Ireland (diamonds), to replace Ms. Omayra Bermúdez-Lugo, United States of America (diamonds), who resigned from the Group.

(*Signed*) **BAN** Ki-moon

11-64793 (E) 211211

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United Nations S/2011/789

Security Council

Distr.: General
21 December 2011

Original: English

Letter dated 20 December 2011 from the Secretary-General addressed to the President of the Security Council

I wish to inform you that, in consultation with the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities, and taking into account the requirements stated in relevant resolutions, I have appointed Ms. Yotsna Lalji-Venketasawmy (Mauritius) to serve as an expert on the Analytical Support and Sanctions Monitoring Team established pursuant to resolution 1526 (2004) and further extended by resolution 1989 (2011), for a period expiring on 31 December 2012.

Ms. Yotsna Lalji-Venketasawmy (Mauritius) will succeed Ms. Fikile Zitha (South Africa), who served as an expert on the Monitoring Team from 22 April 2009 to 30 June 2011.

(*Signed*) **BAN** Ki-moon

11-64787 (E) 211211

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United Nations S/2011/790

Security Council

Distr.: General
21 December 2011

Original: English

Letter dated 20 December 2011 from the Chair of the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities addressed to the President of the Security Council

I have the honour to transmit herewith the report of the Analytical Support and Sanctions Monitoring Team established pursuant to Security Council resolution 1526 (2004), described in paragraph (aa) of annex I to Security Council resolution 1989 (2011) and in paragraph (u) of the annex to Security Council resolution 1988 (2011) (see annex).

The report was submitted on 16 September 2011 to the Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities and to the Security Council Committee established pursuant to resolution 1988 (2011).

The report and its recommendations reflect the views of the Monitoring Team and remain under the consideration of both Committees.

In line with resolutions 1988 (2011) and 1989 (2011), the Monitoring Team is requested to continue to report periodically on linkages between Al-Qaida and those individuals, groups, undertakings or entities eligible for designation under paragraph 1 of resolution 1988 (2011), with a particular focus on entries that appear on both the Al-Qaida Sanctions List and the 1988 List.

I should be grateful if the present letter and its annex could be brought to the attention of the members of the Security Council and issued as a document of the Council.

(*Signed*) Miguel **Berger**
Acting Chair
Security Council Committee pursuant to resolutions 1267 (1999) and 1989 (2011) concerning Al-Qaida and associated individuals and entities

11-50740 (E) 291211

Please recycle

Report of the Analytical Support and Sanctions Monitoring Team pursuant to Security Council resolutions 1267 (1999), 1988 (2011) and 1989 (2011) concerning linkages between Al-Qaida and the Taliban as well as other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan

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I. Summary

1. The present report examines past and current links between the Taliban and Al-Qaida. It considers how these linkages have developed and where they are headed. The report concludes that, despite a close association over many years, the Taliban and Al-Qaida continue to have very different objectives. While the Taliban is determinedly focused on Afghanistan, Al-Qaida seeks a broader role. An immediate difference of opinion has arisen from the increasing involvement of Al-Qaida in extremist violence against the Pakistani State, action that the Taliban opposes for itself and as a distraction of effort from the Afghan insurgency.

2. While historic links exist between the Taliban and other listed groups aligned with Al-Qaida, the synergies and cooperation between them are weak. Taliban association with foreign fighters in Afghanistan, especially those from outside the region, depend more on individual initiative than institutional agreement. The only exception to this is found with Uzbek groups, which offer the Taliban reach into areas of Afghanistan away from the Pashtun heartlands of the south.

3. The report concludes, for these and other reasons, that there are strong arguments in favour of ensuring that the 1988 List and the Al-Qaida Sanctions List keep their separate focus, and that dual listings should be avoided unless there are clear and obvious reasons to introduce them. The 1988 List can be a useful tool for the promotion of a political process in Afghanistan; the Al-Qaida Sanctions List will remain a key part of the international effort to counter terrorism. The two lists will perform these roles best if they remain separate.

II. Introduction

4. The Security Council, in its resolution 1988 (2011), directed the Monitoring Team:

> To submit to the [1988] Committee within 90 days a written report and recommendations on linkages between those individuals, groups, undertakings and entities eligible for designation under paragraph 1 of this resolution and Al-Qaida, with a particular focus on entries that appear on both the Al-Qaida sanctions List and the List referred to in paragraph 1 of this resolution.[1]

5. In a similar vein, the Security Council, in its resolution 1989 (2011), asked the Monitoring Team:

> To submit to the [Al-Qaida Sanctions] Committee within 90 days a written report and recommendations on linkages between Al-Qaida and those individuals, groups, undertakings or entities eligible for designation under paragraph 1 of resolution 1988 (2011), with a particular focus on entries that appear on both the Al-Qaida sanctions List and the 1988 List.[2]

6. As the Team sees no substantive difference between the wording of the two resolutions in this respect, it offers the following report to both the Security Council Committee established pursuant to resolution 1988 (2011) and to the Al-Qaida Sanctions Committee.

[1] Security Council resolution 1988 (2011), annex I, para. (u).

[2] Security Council resolution 1989 (2011), annex I, para. (aa).

III. Background

A. Evolution of the sanctions regime

7. The Security Council created the Al-Qaida/Taliban sanctions regime as a direct result of the linkage between the Taliban and Al-Qaida. The Council, in its resolution 1267 (1999), imposed sanctions on the Taliban in order to persuade its leadership to stop harbouring Al-Qaida and to hand Usama bin Laden over to justice, in particular to answer charges that he was responsible for the August 1998 terrorist attacks on the United States Embassies in Nairobi and Dar es Salaam. The Council, in its resolution 1333 (2000), further emphasized this linkage by extending the sanctions beyond the Taliban to Usama bin Laden and individuals and entities associated with him, including Al-Qaida.

8. Following the overthrow of the Taliban and the dispersal of Al-Qaida in 2001, the Security Council continued to target the sanctions regime against both groups. It assessed that the Taliban, if allowed to regain power in Afghanistan, would again provide Al-Qaida with a safe haven from which it could plan and mount terrorist attacks. However, although the Council made no practical distinction in the application of the measures, it nonetheless divided its List of individuals and groups subject to the sanctions into two parts: one for the Taliban and one for Al-Qaida.

9. In the intervening years it has been evident that the 1267 Committee of the Security Council, which has been responsible for overseeing the sanctions regime, has regarded the threat to international peace and security from Al-Qaida as significantly more important than the threat from the Taliban. Between January 2002 and June 2011 it added 301 names to the Al-Qaida part of its List, but only eight to the Taliban part.[3]

10. On 17 June 2011, by adopting resolutions 1988 (2011) and 1989 (2011), the Security Council decided to split the 1267 sanctions regime into two regimes. One regime was to address the Taliban (and other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan), while the other was to address the threat posed by Al-Qaida and its associates. The List was divided between the two regimes according to its existing distinction between individuals and entities associated with the Taliban (sections A and B) and those associated with Al-Qaida (sections C and D).

B. Overview of the relationship between the Taliban and Al-Qaida

1. The Taliban

11. It is significant that while statements by Al-Qaida leaders to mark the end of Ramadan in 2011 attempted to integrate the Afghan insurgency into their own struggle, equivalent Taliban statements failed to mention Al-Qaida at all.[4] The Taliban remains what it has always been: a national movement with little interest beyond Afghanistan. Although a shared religion and overlapping objectives have led the Taliban to provide Al-Qaida a measure of support, the Taliban has not embraced

[3] One in 2007, five in 2010 and two in 2011 before 17 June.

[4] The most recent being from Mullah Omar on the occasion of Eid al-Fitr in late August 2011.

the international agenda that defines Al-Qaida. Al-Qaida has been, and remains, useful to the Taliban for what it can provide in technical and tactical terms, but the Taliban does not see it as a political ally.[5]

12. Mullah Omar (listed as Mohammed Omar) (TI.O.4.01) may never formally reject Al-Qaida, and it would be embarrassing for him to do so considering what the Taliban has lost as a result of his support for Usama bin Laden (QI.B.8.01). However, Taliban messages since 2009 have often repeated that a future Taliban government will neither disturb the internal security of any other State, nor allow any one to do so from Afghan territory. Even if these are tactical statements, and they would in any case be hard to enforce, it is a clear enough message to Al-Qaida and its associates.

13. While both Al-Qaida and, to a lesser extent, the Taliban are heterogeneous bodies that are hard to define, there are no Afghans among the Al-Qaida senior leadership, and there are no members of Al-Qaida on the four regional councils that direct the military activities of the Taliban.[6] This disassociation between the leadership of the two groups is also evident in their strategy, most notably towards Pakistan. Al-Qaida has placed the Pakistani State near the top of its target list, while the Taliban leadership expressly excludes attacks on Pakistan and devotes all its energy and resources to attacking the Afghan Government and its international allies.

14. The death of Bin Laden on 1 May 2011 will have had the effect of further weakening the links between the Taliban and Al-Qaida. Bin Laden represented the past contribution of Al-Qaida to the Taliban in a way that his successor does not. It is noticeable that, although the Taliban leadership issued two statements on the death of Bin Laden, on 6 and 11 May 2011, neither said anything about his successor and both mentioned Bin Laden's contribution in Afghanistan only in the context of the fight against the Soviet Union.[7] Indeed, the Taliban issued a statement on the tenth anniversary of the attacks in the United States on 11 September 2001 to repeat that they had had nothing to do with them.[8]

2. Al-Qaida

15. During the Taliban regime (1996-2001), Afghanistan was vital to Al-Qaida's growth; not only because the Taliban allowed it a secure base and freedom of action, but also because Al-Qaida could advertise its training camps as being in a "true"

[5] Since 2008 Al-Qaida has held numerous workshops and "train the trainers" campaigns in the manufacture of improvised explosive devices and has helped the Taliban to deploy suicide bombers, but both the use of improvised explosive devices, with their indiscriminate killing of civilians, and of suicide bombers, are alien to Afghan traditions.

[6] The "Quetta" shura, the "Miran Shah" shura (also known as the Khost shura), the "Peshawar" shura and, until early 2011, the "Gerdi Jangal" shura. Some reports suggest that Al-Qaida has had some sort of observer status from time to time within these shuras.

[7] Available in English from www.shahamat-english.com/index.php?option=com_content&view=article&id=7078:statement-of-the-leadership-council-of-the-islamic-emirate-of-afghanistan-regarding-the-martyrdom&catid=4:statements&Itemid=4; and www.shahamat-english.com/index.php?option=com_content&view=article&id=7232:the-martyrdom-of-sheikh-osama-will-not-benefit-america&catid=2:comments&Itemid=3.

[8] In contrast, the anniversary statement of Aiman al-Zawahiri (QI.A.6.01) discussed Afghanistan at length. Available in English from: http://flashpoint-intel.com/images/documents/pdf/0110/flashpoint_zawahiri091211.pdf.

Islamic country that it had helped to establish.[9] Even so, the relationship between Al-Qaida and the Taliban was tolerant rather than close. While the Arab members of Al-Qaida recognized Mullah Omar as the "Commander of the Faithful",[10] they did not look to him for orders or involve him in their attack planning. Nor did they train Afghans at their camps.

16. Although Usama bin Laden attempted to persuade his followers that he had foreseen and welcomed the invasion of Afghanistan by the United States and its allies following the terrorist attacks of 11 September 2001, the loss of its Afghan base was a devastating blow to Al-Qaida. But rather than do everything it could to restore the Taliban to power, Al-Qaida leaders sought out new bases in the Afghanistan/Pakistan border area, approaching contacts they had known since the 1980s.

17. Although Afghanistan continued to provide an opportunity to fight the United States and its allies, and although Arab fighters, many of whom saw themselves as members of Al-Qaida, continued to go there, an analysis of the messages distributed by Al-Qaida senior leaders between 2002 and 2011 suggests that their focus had hardly changed since the formation of the movement in 1988. The main enemy remained the United States and its allies in the Middle East, and while content to join in on an ad hoc basis, particularly with major attacks, Al-Qaida appears to have left the fight in Afghanistan to the Taliban.[11] Indeed, there is no corroborated information that Usama bin Laden and Mullah Omar had any significant or sustained contact after 2001.

18. Until 2006, the Arab leaders of Al-Qaida were encouraged to continue their pursuit of global terrorism by the success of several major terrorist attacks in South-East Asia, Europe, the Russian Federation, the Middle East, and North Africa. After 2006, however, the frequency and number of large-scale attacks declined and, as a result of determined international effort, the leadership found itself increasingly cut off from its global supporters and with limited means to inspire or direct them. As counter-terrorist pressure mounted, many in the Al-Qaida leadership began to focus more on Pakistan, where it made common cause with leaders of other violent extremist groups, in particular to undermine the ability of the Government of Pakistan to exert its authority in the Federally Administered Tribal Areas where they were based.[12]

19. Al-Qaida's main links with the Taliban became local and tactical, often reflecting individual and personal connections rather than institutional ones. This

[9] In fact, Al-Qaida made a minimal contribution to the fighting against the Soviet Union.

[10] Mullah Omar adopted the title "Amir al-Mumineen" (Commander of the Faithful) in 1996. Significantly, he refused to take the title of "Caliph", despite encouragement to do so, as that would have implied that other countries should obey him, while "Amir" denotes a purely national authority.

[11] It appears that at the time of his death in May 2011, Usama bin Laden was rather more focused on attacking targets in the West, in particular in the United States, and planning an atrocity to mark the tenth anniversary of the attacks of 11 September 2001, the high point of Al-Qaida achievement, than he was on helping the Taliban to regain control of Afghanistan.

[12] Whether a symptom or a cause, militancy in Pakistan increased significantly following the Red Mosque incident in Islamabad in July 2007.

trend increased as new Taliban commanders emerged and the few Al-Qaida leaders who had had good Afghan contacts died or were captured.[13]

IV. Current linkages between those eligible for designation on the 1988 List and those eligible for designation on the Al-Qaida Sanctions List

A. Who is eligible for designation

20. Eligibility for designation by the 1988 Committee extends beyond the Taliban to include individuals and entities designated prior to this date as the Taliban, and other individuals, groups, undertakings and entities associated with them .. as well as other individuals, groups, undertakings and entities associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan.[14]

21. Eligibility for designation on the Al-Qaida Sanctions List remains much as it was under the former 1267 regime, with the important exception that association with the Taliban is no longer a criterion for listing. The sanctions target Al-Qaida and other individuals, groups, undertakings and entities associated with them.[15] Although certain individuals and groups might satisfy both sets of criteria, there are currently no entries that appear both on the 1988 List and on the Al-Qaida Sanctions List.

B. Various forms of current linkage and their significance

22. After more than 25 years of living in the same area, it is inevitable that there are many personal and some structural linkages between those individuals and groups who fight with the Taliban, and individuals and groups that more closely align with Al-Qaida. These linkages take various forms: for individuals they may be based on kinship, friendship, marriage ties, shared objectives, shared ideology, shared enemies, shared operational space, or a mixture. For groups, they may be based on joint objectives, joint training, joint planning, joint operations or joint command.

23. Whereas social relationships among Pashtuns are generally structured and quite strictly governed by tribal traditions and local culture, the relationships between extremist groups operating in the Afghanistan/Pakistan border area are often based on less formal associations between individuals. These personal linkages are often complex and overlapping in that an individual may partner with several groups, each one for different reasons, and bring a variable group of other associates along with him. This can easily lead to a confused picture of the nature, extent and depth of linkages between militant groups, as well as making it hard to define the precise membership of each group. Two groups might cooperate in one area but not in another; or despite having similar objectives, two groups might not cooperate in any meaningful way, depending on local circumstances or local

[13] For example, Sheikh Saeed al-Masri, a key Al-Qaida leader killed in May 2010, was known for his close personal links with the Taliban.

[14] Security Council resolution 1988 (2011), para. 1.

[15] Security Council resolution 1989 (2011), para. 1.

initiatives. An atmosphere of general promiscuity prevails, as individuals and groups change their relationship status according to pressure or perception of advantage.

24. **Nonetheless, although the Team has heard occasionally of Afghan nationals fighting in Iraq, Yemen and East Africa, none of them has been described as a member of the Taliban, nor have any achieved sufficient prominence to attract a successful listing submission.**[16] Equally, although many non-Afghans have been found fighting in Afghanistan, and not just from neighbouring countries, none has come to such prominence as to have merited designation on the Taliban sections of the 1267 Consolidated List.

25. The relationship between Al-Qaida and the Taliban is governed by the very different size of each organization and the fact that, while the Taliban aims to reach into all areas of Afghanistan, the Al-Qaida presence is far more limited. Information from the Government of Afghanistan, the International Security Assistance Force (ISAF), and the United Nations suggests that Al-Qaida fighters in Afghanistan are confined primarily to the provinces along the Pakistan border in the south, south-east and east of the country, with some members of the Islamic Movement of Uzbekistan (IMU) (QE.I.10.01) also in the northern provinces of Takhar and Kunduz.[17] A larger group of more loosely aligned foreign militants move in similar patterns, abetted by the same insurgent networks. There is no evidence that Taliban commanders support or harbour Al-Qaida and their associates as a matter of course.[18]

1. Afghan Taliban linkages with non-Afghan groups and individuals

26. The Afghan Taliban remains a structured organization with a clear hierarchical order, but it no longer operates with the effective command and control that existed in 2001. While Mullah Omar remains the titular head of the movement and has more authority than any other Taliban leader, his orders no longer determine the military campaign, nor drive the administration of areas of Afghanistan under Taliban control.[19] Regional Taliban commanders have become increasingly autonomous and often look more like local warlords fighting for land, revenue and authority than members of a disciplined organization seeking national power.[20] They may call themselves — or be seen as — Taliban merely because they are fighting the Afghan Government; equally, their associations with foreigners, who may or may not be aligned with Al-Qaida, do not necessarily reflect agreements at a more senior level of the organization.

27. Local Taliban commanders can have relationships with foreign fighters, whether Al-Qaida or others, at several different levels. They may provide shelter for passing foreigners without knowing their identity or making any further enquiries as

[16] Apart from an instance in Iraq, the only reported arrest of an Afghan national planning terrorism abroad was that of Najibullah Zazi, an American Afghan who was trained and deployed by Al-Qaida.

[17] See annex.

[18] In fact, the Taliban leadership has instructed shadow provincial governors inside Afghanistan to keep an eye on foreign fighters and, where possible, send them back to Waziristan.

[19] The Taliban has a shadow administrative system throughout Afghanistan, but regional and local commanders have a high degree of autonomy.

[20] It is significant that Mullah Omar's Eid al-Fitr message of 28 August 2011 mentioned in no less than eight paragraphs the need for Taliban members to obey central orders and follow the Taliban code of conduct.

to their purpose in line with Afghan norms of hospitality. They may seek mutual benefit, for example, by arranging safe passage through difficult terrain in exchange for a fee, and while such cooperation requires the Afghan partner to have at least some understanding of the nature of the foreigner he is assisting, it is essentially a business arrangement that denotes no ideological proximity. Relationships may also be based on shared ideology and unity of purpose with full awareness of the other's identity; for example, by inviting training in the production or placement of improvised explosive devices. Still more significantly, associations may involve the sharing of funds, as opposed to a common exploitation of identical funding channels, but reported incidents of this are extremely rare.

28. Although the territory in which the Taliban operates has become much larger since 2008, the spread of foreign fighters has remained the same, with few, if any, found in the majority of Afghanistan's provinces. While this may in part reflect weak Taliban central control and the relatively small number of Al-Qaida operatives in the country, the continued presence over time of foreign fighters in areas dominated by specific commanders, or their successors, tends to illustrate the key role of individuals in forging partnerships with Al-Qaida. Taliban individuals who are known to associate with members of groups named on the Al-Qaida Sanctions List are usually not known to have contact with listed Al-Qaida individuals, pointing to the relatively junior level and individual initiative of foreign fighters who seek out the Taliban in order to fight in Afghanistan.

29. At a senior level, although Taliban members profess to share the ideological aspirations of Al-Qaida, and may do so, at the same time they are conscious of the need to present the right image in order to secure donations and political support, especially from donors in the Gulf. Taliban publications therefore may not reflect the ideology of the writer so much as the ideology of the prospective donor. Even so, Taliban appeals for donations ask for support for an independent Afghanistan, not for a global campaign against the West. The Taliban movement, however broadly construed, does not claim to mount or support attacks outside Afghanistan, and there has been no evidence of it doing so.[21]

(a) Haqqani network

30. The Haqqani network is a well knit and disciplined group of fighters led by the most powerful Afghan family involved in the insurgency. As members of the Zadran tribe, the Haqqanis find support on both sides of the Afghanistan/Pakistan border and operate in the east of Afghanistan, away from the Taliban heartlands of Kandahar and Helmand in the south.[22] Its fighters and associates provide much of the impetus behind the Afghan insurgency and have been responsible for many of its most significant attacks, including against non-military international targets, such as the Embassy of India and the United Nations.[23] As a result, the names of seven

[21] However, some Taliban who have spent time in prison or internment camps have become more radicalized and are more likely to support an Al-Qaida global agenda.

[22] The Haqqanis are based in Khost but have significant influence through all Loya Paktia and in North Waziristan on the Pakistan side of the border.

[23] The Haqqani network is believed responsible for three attacks on Indian interests in Kabul, two on the Indian Embassy, in July 2008 and October 2009, and one on a guest house used by Indian nationals in February 2010. The Haqqani network is also believed responsible for an attack on a United Nations guest house in October 2009.

senior leaders of the network appear on the 1988 List.[24] While the Haqqani network is affiliated with the Taliban, and well integrated within its leadership, it does not behave as a subordinate body.

31. **Jalaluddin Haqqani (TI.H.40.01), the founder and leader of the network**, is one of the most experienced and respected militant leaders in Afghanistan. He built a reputation as a fighter against the Soviet Union and continues to enjoy high standing, influencing Taliban policy as a member of the supreme council (ulema shura) chaired by Mullah Omar.[25] Jalaluddin's son, Sirajuddin (TI.H.144.07), formerly the military commander of the Miram Shah/Khost regional shura, is a member of the Taliban central shura and is believed to act there as deputy to the Taliban's overall military commander. Jalaluddin's youngest son, Badruddin (TI.H.151.11), is the head of the Miram Shah/Khost regional shura and is in charge of its military operations, enjoying considerable independence from the Taliban leadership. Another son, Nasiruddin (TI.H.146.10), looks after the financial affairs of the Taliban.

32. While it has contributed to the rise in extremism in Pakistan, the Haqqani network, in common with the central leadership of the Taliban, has not engaged in militant action outside Afghanistan, although it has the clear capacity to do so. Jalaluddin Haqqani has in the past refused to cooperate with militant organizations based in Pakistan such as Harakat ul-Jihad Islami (HuJI) (QE.H.130.10) and Harakat ul-Mujahidin (HuM) (QE.H.8.01), which have sought support for their operations in Kashmir, and has similarly declined approaches from Qari Saifullah Akhtar, the present leader of HuJI, and Fazal ur Rehman Khalil, the present leader of HuM, to support attacks in Central Asia. But Haqqani-led attacks in Afghanistan, particularly those directed against India, suggest support for a wider agenda than the Taliban alone.

33. Also, as the Haqqani network shares geographical space with Al-Qaida and related Pakistan-based militants, this has led to complicity, if not active cooperation, between them, especially following the Pakistan army campaign launched in 2009, which forced many extremists to relocate from South Waziristan to North Waziristan. There is contradictory evidence concerning these relationships. On the one hand, the Haqqanis have disagreed with groups like Tehrik-e Taliban Pakistan (TTP) (QE.T.132.11) that focus their attacks on targets inside Pakistan at the expense of the effort across the border,[26] but, on the other hand, they have not openly challenged their presence in territory under their control.[27]

[24] In addition to Jalaluddin Haqqani (TI.H.40.01), these are Sirajuddin Jallaloudine Haqqani (TI.H.144.07), Badruddin Haqqani (TI.H.151.11), Khalil Ahmed Haqqani (TI.H.150.11), Nasiruddin Haqqani (TI.H.146.10), Mohammad Ibrahim Omari (TI.O.42.01) and Sangeen Zadran (TI.Z.152.11).

[25] Jalaluddin is often reported, however, to be seriously ill.

[26] An example was the personal involvement of Hakimullah Mehsud (QI.M.286.10), the TTP leader, in the murder of Colonel Imam, a retired officer of Pakistan's Directorate for Inter-Services Intelligence, famous for his links with the Taliban and the Haqqani network during the period of Soviet occupation, despite a personal appeal by Sirajuddin Haqqani. Also, the Haqqani network is reported to have encouraged Fazal Saeed Haqqani, the leader of the Kurram branch of TTP, to break away in June 2011 and form a new militant group called Tehrik-e-Taliban Islami Pakistan (TTIP) that would neither target civilians nor the Pakistani State.

[27] They may fear that a confrontation would have an uncertain outcome.

34. The Haqqani network also has a similarly ambiguous relationship with other Pakistani extremist groups that, like Al-Qaida, attack targets in Pakistan, as well as with Lashkar-e-Tayyiba (LeT) (QE.L.118.05), which was aligned with Abdul Rab Rasool Sayyaf, a supporter of the Taliban's arch enemy Ahmed Shah Masood, during the Afghan civil war following the withdrawal of the Soviet Union. While there is little public information about the Haqqani relationship with Al-Qaida senior leaders, the death of Al-Qaida operatives is often reported to have taken place in areas believed to be under Haqqani control.[28]

(b) Other partnerships

35. Just as the Taliban values its partnership with the nominally subservient Haqqani network as a way to expand its influence beyond the four provinces of southern Afghanistan, it also allies itself with other networks, such as the Tora Bora Front of Anwar al-Haqq Mujahid, the son of Mawlawi Yunus Khalis, and others in the eastern provinces of Nangarhar, Kunar and Nuristan. Most importantly, it has sought out Afghan Uzbek clerics and small-time warlords in order to build a non-Pashtun Taliban presence in the north, which has led to a close alliance with IMU.

36. There does not appear to be any significant relationship between the Taliban and LeT, though there have been reports of LeT operatives training in Afghanistan. Reportedly, after the Mumbai attacks of November 2008, when LeT was under considerable pressure, its leader, Hafiz Muhammad Saeed (QI.S.263.08), sent a message to the Taliban leadership proposing a meeting with Mullah Omar or Mullah Baradar (listed as Abdul Ghani Baradar) (TI.B.24.01) to improve relations. The Taliban leadership did not respond.

2. Al-Qaida and associates linkages with the Afghan Taliban

(a) Al-Qaida leadership

37. The main concern of the new Al-Qaida leadership is to reassert its relevance and credibility from a secure base, and for this it needs local protection. This is currently more easily found on the Pakistan side of the border in areas of North Waziristan, where, despite the best efforts of the Pakistan Army and Frontier Corps, central authority is weak, than on the Afghan side, where Coalition forces have more reach. It is only in certain eastern provinces[29] that Al-Qaida might feel safe, and this part of Afghanistan is under the control of the Haqqani network and Gulbuddin Hekmatyar (QI.H.88.03), rather than of Taliban leaders.

38. The Al-Qaida leadership has forged extensive links with Pakistan terrorist groups as a way to strengthen its position. It has made Pakistan a principal target, planning and mounting attacks with associates from groups such as TTP,[30] HuJI,[31]

[28] In Ghazni, Khost, Paktia and Paktika.

[29] Kunar, Nuristan, parts of Khost, Paktika and Ghazni.

[30] For example, the attacks in Islamabad on the Danish Embassy on 2 June 2008 and the Marriot Hotel on 20 September 2008.

[31] For example, the attempts to assassinate President Musharraf in December 2003.

Lashkar i Jhangvi (LJ) (QE.L.96.03)[32] and HuM,[33] while other groups such as LeT have offered logistical support.[34] This focus on Pakistan has reduced the capacity of Al-Qaida to engage more directly in Afghanistan, and made it a less acceptable partner for the Taliban, which opposes such activity. The Al-Qaida leadership may see Afghanistan as an important element of its global agenda, and a highly successful part of the campaign to weaken the United States, but its actual contribution is small. Given its limited resources, it is more interested in directing its recruits and supporters to attack in places where there will be more publicity than in Afghanistan, where the Al-Qaida signature would be lost in the general mayhem of the insurgency.

(b) Other foreign fighters

39. Members of other groups on the Al-Qaida Sanctions List continue to fight in Afghanistan. Among them are Turks, Germans and other Europeans, often aligned with the Islamic Jihad Group (QE.I.119.05), and Chechens aligned with the Emarat Kavkaz (QE.E.131.11). Uzbeks in IMU and others from Central Asia who belong to groups such as the Eastern Turkistan Islamic Movement (QE.E.88.02) have also been active on both sides of the Afghanistan/Pakistan border. But aside from the Central Asians, these fighters are generally individuals who have decided to go to Afghanistan to fight without much strategic idea of where and why they should do so. While they may be loosely described as associates of Al-Qaida, in practice they may have no contact with the Al-Qaida leadership throughout their stay. IMU is the only group to have a significant presence in Afghanistan, especially since 2007, when local opposition forced them out of South Waziristan.

(c) Hizb-i Islami (Gulbuddin)

40. Gulbuddin Hekmatyar is the only Afghan leader to appear on the Al-Qaida Sanctions List.[35] He heads a faction of Hizb-i Islami and has a very long history of bloody opportunism, having spent much of his life fighting for political advantage in Afghanistan. Always ready to play any side against another, Hekmatyar has had alliances with both the Taliban and Al-Qaida. However, Taliban statements frequently criticize his actions and reject his participation in the future of the country, and in 2010 and 2011 there were several armed clashes and mutual assassinations between Taliban and Hekmatyar forces.[36] Despite his Afghan nationality, Hekmatyar appears on the Al-Qaida Sanctions List because his terrorist activities, although localized, are indiscriminate, and he has in the past had close relations with the Al-Qaida leadership. No doubt as a calculation of where his best

[32] LJ members appear to operate on behalf of Al-Qaida, perhaps as a result of the close link between Mati ur-Rehman (QI.M.296.11), formerly a member of LJ, and the Al-Qaida leadership.

[33] Fazul ur Rehman Khalil, head of HuM, was a co-signatory of Usama bin Laden's declaration of jihad in 1998. Badar Mansoor, a dissident member of HuM, runs a guest house for non-Pashtun volunteers and is close to the Al-Qaida leadership.

[34] For example, Zayn al-Abidin Muhammad Hussein (Abu Zubeidah) (QI.H.10.01), an Al-Qaida leader, was arrested by the Pakistani authorities at a LeT safe house in Rawalpindi.

[35] Three other individuals are listed as having been born in Afghanistan or having Afghan nationality.

[36] In the Afghan provinces of Baghlan, Wardak, Kapisa and Laghman.

hopes lie, since 2010 Hekmatyar has emphasized his Afghan credentials and played down his links with Al-Qaida.[37]

(d) Al-Qaida associates in Pakistan

41. There are several Pakistan-based groups on the Al-Qaida Sanctions List that have sent members to train or fight in Afghanistan. However, no group regards Afghanistan as its principal area of activity. This is particularly true for TTP, which has ordered its members not to fight there. Analysis of the linkages between the Taliban and Pakistan-based groups is complicated by the fact that when groups that recruit in Pakistan find that new members do not want to fight against their own State, they often pass them on to the Haqqani network for deployment in Afghanistan. Similarly, groups like LeT are reported to send recruits to Afghanistan for training, and others like HuM to have taken a direct part in operations.

V. Consequences of dual listing

42. In order to note the linkages between the Taliban- and Al-Qaida-related terrorists, the 1988 Committee and the Al-Qaida Sanctions Committee have the option to place names on both lists.[38] While this would certainly draw international attention to the linkages between those eligible for listing by both Committees, the Team recommends that the Committees take the following observations into account before pursuing this course of action.

43. First, the two lists at present have no overlap, and therefore make a useful distinction between parties that present a threat to the peace, security and stability of Afghanistan, and those that pose a broader threat to international peace and security through their membership in or association with Al-Qaida. While Al-Qaida may see Afghanistan as an important area of confrontation with its enemies, its priorities lie elsewhere; and while the Taliban and others associated with the Taliban in constituting a threat to the peace, stability and security of Afghanistan may have sympathy with the Al-Qaida agenda, their main objective is local.

44. Second, if one purpose of splitting the 1267 Committee List was to emphasize and exploit the strategic and tactical differences between the Taliban and Al-Qaida, dual listings would tend to undermine this. Just as international action can push Al-Qaida and the Taliban apart, so too can it push them together. Dual listings would give the impression that, despite the splitting of the 1267 List, the Security Council sees no fundamental difference between the Taliban and Al-Qaida.

45. Third, the criteria for the removal of a name from the 1988 List are now distinct from the criteria for removal of names from the Al-Qaida Sanctions List. The conditions for reconciliation between the Government of Afghanistan and the insurgents, as laid out in the Kabul Communiqué of 20 July 2010,[39] include the

[37] Hekmatyar has been negotiating with representatives of the Government of Afghanistan since 2010.

[38] As an example of dual listing by two committees, there are two names that appear on both the Al-Qaida Sanctions List and the Somalia/Eritrea sanctions list: Hassan Dahir Aweys (QI.D.42.01) and Hassan al-Turki (QI.A.172.04).

[39] Available from http://unama.unmissions.org/Portals/UNAMA/Documents/Kabul%20Conference%20Communique.pdf.

renunciation of violence, no links to international terrorist organizations, and respect for the Afghan Constitution, conditions that no member or supporter of Al-Qaida could possibly meet. Dual listings would make effective de-listing more complicated and would act as a disincentive for those on the 1988 List to join a political process.

46. Fourth, as a related point, Security Council resolution 1988 (2011) allows the Government of Afghanistan a significant role in preparing both listing and de-listing submissions for presentation to the Committee. This emphasizes the Afghan-centric nature of the regime and all those individuals whose names currently appear on the 1988 List have Afghan nationality. Dual listing would negate for those listings the important role given to the Government of Afghanistan by Security Council resolution 1988 (2011). It would also make it far harder for the Afghan Government to exploit the splitting of the lists in pursuance of a peace process.

47. The High Peace Council appointed by the Government of Afghanistan to promote peace and reconciliation believes that all Afghan insurgents should be listed only under the 1988 regime.[40] While conceding that some may be considered a worldwide terrorist threat, the High Peace Council argues that the new 1988 Committee regime should be given a chance to work to see if it can wean Afghans away from supporting Al-Qaida.

48. The High Peace Council is also concerned that the dual listing of some Afghan individuals might provide them with international standing and so help them to attract more recruits, rather than brand them only as Afghan insurgents. Its members suggest allowing more time to see how those individuals who may be eligible for dual listing react to the splitting of the List and recommend a regular system of appraisal.

49. Fifth, the threat of dual listing might be more effective than the actual impact of being listed. Indeed, individuals on the 1988 List could be influenced by an ultimatum that their names would be added to the Al-Qaida Sanctions List unless there was an immediate and verifiable change of behaviour. The addition of the name in these circumstances would have a rationale and act as a warning to others.

50. Sixth, insofar as the sanctions regimes are intended to bring about a change of behaviour, the situation with respect to de-listing would be complicated by the inclusion of a name on both lists. If the Al-Qaida Sanctions Committee decides to remove from the Al-Qaida Sanctions List a name that also appears on the 1988 List, it should not need to go through any additional process to lift all sanctions. Just as the Government of Afghanistan has no role in removing names from the Al-Qaida Sanctions List, nor does the Ombudsperson have any mandate in connection with the 1988 List. The Committees should not have to decide whether the de-listing procedures of one Committee should take precedence over those of the other.

51. Seventh, if the two Committees decided to enter one or more names on both lists, there would inevitably be much speculation as to why those names were chosen above others, and why those individuals or groups were therefore so specifically excluded from or included in the political process in Afghanistan.

52. Eighth, the two sanctions regimes require States to implement identical measures against those that appear on either list. The inclusion of a name on a

[40] Discussion with the Monitoring Team in September 2011.

second list would not add any further restriction to their activities; it would only have symbolic effect.

VI. Recommendations

53. Accordingly, the Monitoring Team makes the following recommendations:

(a) The Committees should avoid agreeing to dual listings unless there is a clear, obvious and practical advantage in doing so;

(b) In accordance with the relevant listing criteria, additions to the 1988 List should be of individuals, groups or entities with objectives solely related to Afghanistan, whereas additions to the Al-Qaida Sanctions List should be of individuals, groups and entities with a broader agenda, even should it include Afghanistan;

(c) All Afghan nationals eligible for listing should be added to the 1988 List unless it is clear that the relevant activity is primarily in support of Al-Qaida;

(d) If a Member State should submit a listing proposal for the same name to both Committees, the Committee Chairs should, in consultation with Committee members, decide whether the activity concerned is related more to Afghanistan or to Al-Qaida's global objectives, and consider the proposal only in the most appropriate Committee;

(e) The two sanctions Committees should consider a procedure for moving a name from one List to the other without going through a process of listing and de-listing. This would allow a quick transfer of a name from the 1988 List to the Al-Qaida Sanctions List, should the individual oppose the political process in Afghanistan by refusing to reject support for Al-Qaida;

(f) Listings on either list may mention broader associations, but the Committees should request the Monitoring Team to amend the narrative summaries of reasons for listing for entries on both lists to ensure that they reflect the listing criteria set out in Security Council resolutions 1988 (2011) and 1989 (2011), as appropriate;

(g) The 1988 Committee should request the Government of Afghanistan and the Monitoring Team regularly to review the existing linkages between individuals on the 1988 List and those on the Al-Qaida Sanctions List, and bring any significant information to the attention of the Committee.

Annex

Foreign fighters killed and captured from January 2010 to mid-September 2011

Table 1
Occurrence of foreign fighters in Afghanistan[a]

Year	*Arrested*	*Killed*
2007	149	108
2008	90	184
2009	30	100
2010	111	98
2011 (mid-September)	68	92

Table 2
Distribution of killed and arrested foreign fighters[b] and Al-Qaida operatives[c] by province, from January 2010 to September 2011

Province	*Foreign fighters arrested*	*Foreign fighters killed*	*Al-Qaida killed*	*Al-Qaida arrested*
Badakhshan	4	0		
Balkh	1	0		1
Bamyan	2	0		
Farah	1	1	1	
Faryab	0	5		
Ghazni	40	16		8
Hilmand	7	20		
Hirat	0	3		
Kabul	8	0		
Kandahar	17	4	1	2
Kapisa	0	4		
Khost	13	6		2
Kunar	0	5	17	2
Kunduz	5	19	3	
Laghman	8	4		
Logar	4	4		
Nangarhar	19	1	3	3
Nimroz	0	6		
Nuristan	9	35		

[a] The Monitoring Team's analysis of daily security reports produced by the United Nations Department of Safety and Security in Afghanistan covering the period 2007-2011.
[b] The Monitoring Team's analysis of daily security reports produced by the United Nations Department of Safety and Security in Afghanistan covering the period 2010-2011.
[c] Based on ISAF figures in press releases covering the period January 2010-September 2011.

Province	*Foreign fighters arrested*	*Foreign fighters killed*	*Al-Qaida killed*	*Al-Qaida arrested*
Paktika	0	25		
Paktia	7	12	1	
Parwan	3	0		
Takhar	1	0	2	2
Uruzgan	7	3		
Wardak	4	4		
Zabul	19	13	10	2
Total	**179**	**190**	**38**	**22**

Table 3

Map showing distribution of killed and arrested foreign fighters and Al-Qaida operatives January 2010 to September 2011

Data source: UNDSS-Afghanistan daily reports and ISAF Joint Command daily operational updates analysed by the Monitoring Team

Date: 18 September 2011

Disclaimer: The boundaries and names on the map do not imply official endorsement or acceptance by the United Nations

LEGEND

- **International boundary**
- **Provincial boundary**
- **Foreign fighters killed**
- **Foreign fighters arrested**
- **Al-Qaida killed**
- **Al-Qaida arrested**

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Agenda item 36
The situation in the Middle East

Security Council
Sixty-sixth year

Identical letters dated 19 December 2011 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a complaint against Israeli enemy forces, which placed and detonated a spying device inside Lebanese territory (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the sixty-sixth session of the General Assembly, under agenda item 36, and of the Security Council. I have sent an identical letter to the President of the Security Council.

(*Signed*) Nawaf **Salam**
Ambassador
Permanent Representative

11-64843 (E) 211211 221211

Please recycle

Annex to the identical letters dated 19 December 2011 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General and the President of the Security Council

On unknown date, Israeli enemy forces placed a spying device inside Lebanese territory at Wadi Ayn al-Ghar, on the outskirts of the towns of Dayr Kifa and Sarifa. On 2 December 2011, at approximately 1310 hours, the above-mentioned device was detonated remotely by an Israeli enemy reconnaissance aircraft after the device had been discovered by Lebanon.

This action is a blatant violation of Lebanese sovereignty, Security Council resolution 1701 (2006), international law and the Charter of the United Nations, and constitutes a threat to international peace and security.

United Nations S/2011/792

Security Council

Distr.: General
21 December 2011

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Letter dated 20 December 2011 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

I have the honour to forward a letter from Osman Saleh, Minister for Foreign Affairs of the State of Eritrea, dated 19 December 2011, addressed to you, in connection with Security Council resolution 2023 (2011), adopted on 5 December 2011 (see annex).

I would be most grateful if the present letter and its annex could be circulated among the members of the Security Council and issued as a document of the Council.

(*Signed*) Araya **Desta**
Ambassador
Permanent Representative

11-64799 (E) 281211

Please recycle

Annex to the letter dated 20 December 2011 from the Permanent Representative of Eritrea to the United Nations addressed to the President of the Security Council

On 5 December 2011, the United Nations Security Council adopted resolution 2023 (2011) to impose expanded and intrusive sanctions against Eritrea. Through its most recent communications to the Security Council, Eritrea has underlined that this resolution is totally unfounded and has no legal basis.

Eritrea has repeatedly highlighted the political and vindictive motives of the United States in ramming through this resolution by ignoring all normative procedures and rules of the United Nations body. This was also the case with resolution 1907 (2009), which the Security Council adopted in December 2009. In both instances, the United States used unfounded accusations against Eritrea that were primarily concocted by its own intelligence agencies and their surrogates while denying it, through transparent schemes, rudimentary rights to a fair hearing and proper legal defence in breach of the established principle of "equality of arms". The United States resorted to dilatory methods to effectively block the legitimate request of Eritrea's Head of State to address the Security Council, and when it finally relented at the last hour, it made sure through unacceptable ultimatums and arrangements that this would not happen.

Security Council resolution 2023 (2011) will entail, at least in the short term, negative consequences for Eritrea's tenacious pursuit of nation-building rooted in the twin pillars of economic development and social justice. It will also aggravate regional polarization and further undermine regional peace and security. But the biggest casualty of this unwarranted resolution is international justice and legality. The Security Council, which derives its legitimacy and moral authority through the trust placed upon it by the world community of nations to safeguard international peace and security, ought to honour its solemn obligations. For the third time in half a century, Washington has been allowed to use its influence to unfairly punish a small people at the expense of justice and peace.

The discomfort of many Security Council members, including those who voted in support of the resolution, at this state of affairs was indeed evident in their official statements as well as in their private commiserations to the Eritrean delegation to the United Nations. In this respect, Eritrea acknowledges, with due gratification, the efforts of many Security Council members, and especially those of the Russian Federation, the People's Republic of China and the Republic of South Africa, to instil a sense of proportion and balance in the workings of the Security Council and for reason to prevail, even though it believes that much more could have been done to scrap the resolution altogether.

Through its various communications to the Security Council, Eritrea had demonstrated the procedural and substantive flaws of resolution 1907 (2009) during and after its adoption in December 2009. Eritrea also provided comprehensive responses exposing the fallacy of the myriad and unfounded accusations heaped against it by the "Somalia Eritrea Monitoring Group". Eritrea remains dismayed that its sincere explanations have not been accorded the serious considerations that they merit by the Security Council.

Eritrea strongly deplores the dangerous precedent that is being set, in which the fundamental right of self-defence of a United Nations Member State is not

upheld and critical decisions by the Security Council, with far-reaching consequences on the livelihood and destiny of a people, are reduced to crude power and number games. While fundamentally disheartened by the prevailing trend, and even as it does not harbour great hopes that this present letter will fare any better, Eritrea feels duty-bound to describe its position and perspectives on resolution 2023 (2011) and appeal again to Security Council members to redress the wrongs they have unjustly meted out to the people of Eritrea. In this spirit, Eritrea will highlight, in a condensed manner, the legal and factual fallacies embedded in key paragraphs of resolution 2023 (2011).

1. Respect for Eritrea's sovereignty, territorial integrity, unity and political independence

In the second preambular paragraph of resolution 2023 (2011) the Security Council reaffirms "its respect for the sovereignty, territorial integrity, and political independence and unity of Somalia, Djibouti and Eritrea, respectively, as well as that of all other States of the region". This is consistent with the general purposes and principles as well as Article 2 (1) of the Charter of the United Nations. But in the case of Eritrea, has this commitment been truly respected? Or, has it been inserted as a mere platitude, while in reality it is at variance with the facts? Eritrea maintains that the latter is indeed the case for the following cogent reasons:

Eritrea's sovereignty and territorial integrity remain violated by Ethiopia, which continues to occupy the Eritrean town of Badme and other sovereign areas in breach of the Algiers Peace Agreement, and, Articles 2 (3), 2 (4) and 33 of the Charter of the United Nations. After years of United States-instigated prevarication and obstruction by Ethiopia, the Eritrea-Ethiopia Boundary Commission notified the Security Council, through its report dated 25 August 2008 (see S/2008/630), that it had fulfilled the mandate given to it and considered itself "*functus officio*". In the same letter, the Commission "reaffirmed the considerations of fact and the statements of law set out in its Statement, and emphasized that the Delimitation Decision of April 2002 and the Statement of 27 November 2006 remained binding on the parties". The Commission further asserted that "on 17 January 2008, a copy of the maps illustrating the points identified in the annex to the 27 November 2006 Statement was deposited with the Secretary-General of the United Nations. Another copy for public reference has been retained in the office of the United Nations Cartographer".

But while these are the facts, the Security Council continues to be impeded from demanding Ethiopia to withdraw, owing to protective United States clout. Indeed, while inordinately chastising Eritrea on account of a dispute with Djibouti, which is still under a mediation process, resolution 2023 (2011) keeps mum on Ethiopia's violations of Eritrea's sovereignty and territorial integrity. On the contrary, there is an oblique reference to the matter in the fourth preambular paragraph, in which the Security Council calls upon "all States in the region to peacefully resolve their disputes and normalize their relations in order to lay the foundations for durable peace and lasting security in the Horn of Africa", and encourages "these States to provide the necessary cooperation to the African Union in its efforts to resolve these disputes".

One might be tempted to presume that this paragraph is inserted in exclusive reference to other border disputes in the Horn of Africa. On the other hand, the vague and opaque language may have been deliberately chosen for sinister purposes. This is in fact reinforced by paragraph 2 of resolution 2023 (2011), in which the Security Council "supports the call by the African Union for Eritrea to resolve its border disputes with its neighbours and calls on the parties to peacefully resolve their disputes, normalize their relations and to promote durable peace and lasting security in the Horn of Africa, and encourages the parties to provide the necessary cooperation to the African Union in its efforts to resolve these disputes".

As Eritrea's border dispute with Djibouti is subsequently addressed in paragraphs 4 and 5 of the resolution, it is clear that paragraph 2 is referring, in a rather surreptitious manner, to the Eritrea-Ethiopia border issue only. It represents disregard of the final delimitation and demarcation decisions of the Eritrea-Ethiopia Boundary Commission, which has the sole jurisdiction for determining the boundary on the basis of the colonial treaties and international law (articles 4.1 and 4.2 of the Algiers Peace Agreement). It should be stressed that article 4.15 of the Algiers Peace Agreement stipulates that the delimitation and demarcation decisions of the Commission are final and binding on the parties and that each party shall respect the border so determined, as well as the territorial integrity and sovereignty of the other party. The Eritrea-Ethiopia border dispute, which is now a question of occupation, is a closed file legally, and the Security Council cannot pass the buck to the African Union through semantic somersaults. Its tolerance of Ethiopian occupation with impunity does not square well with its avowed commitments to respect the sovereignty and territorial integrity of Eritrea, as the paragraph in the preamble asserts in a categorical mode.

Eritrea's political independence has not been respected in resolution 1907 (2009) and its sequel, resolution 2023 (2011). The punitive measures that the United States has been avidly pursuing for years now have nothing to do with a genuine concern for the maintenance of peace and security in the Horn of Africa. They do not emanate from a sincere United States belief that Eritrea is really involved in wanton acts of terror or destabilization against its neighbours. The United States obsessive hostilities against Eritrea stem from its intolerance of Eritrea's right to political independence on matters that affect its vital interests, and from the fact that Eritrea has not kowtowed to United States policy preferences and *diktat* principally with regard to Somalia and Ethiopia. This is amply corroborated by the following excerpts from a WikiLeaks report. In a confidential cable communication from the United States Secretary of State issued on 1 March 2008, the United States mission to the United Nations was instructed to canvass for support from certain Security Council members and United Nations troop-contributing countries for sanctions against Eritrea for its "interference with the United Nations Mission in Ethiopia and Eritrea (UNMEE), particularly its recent refusal to reinstate fuel supplies to the Mission". The cable states: "potential options include, imposing a travel ban on key Eritrean Government officials; placing an assets freeze on these same officials and/or other Eritrean assets/resources; imposing trade, investment or other restrictions related to Eritrean resources, including mining; imposing an arms embargo on Eritrea".

2. Eritrea's alleged support to armed opposition groups

In the seventh preambular paragraph and paragraph 1 of resolution 2023 (2011), the Security Council expresses "grave concern at the findings of the Somalia/Eritrea Monitoring Group report" and condemns Eritrea for "providing continued support to armed opposition groups, including Al-Shabaab, engaged in undermining peace and reconciliation in Somalia and the region".

As Eritrea has elucidated extensively in its reply of 20 October 2011, the findings of the "Somalia Eritrea Monitoring Group" cannot be taken by the Security Council at face value without rigorous verification and scrutiny. By its own admissions, the Monitoring Group has collated its reports from "foreign law enforcement agencies", "active Eritrean Government contacts", "former military or diplomatic officials" and "Eritrean individuals directly involved in people smuggling operations". Again, by its own admissions, its methodology of evidence collection and validation does not meet judicial standards. This is grossly compounded by the tacit and overt political interference of the United States. This much is indeed echoed in the statements of the Republic of South Africa and the Russian Federation, among others, which warn against the politicization of the work of the Monitoring Group and its rash and unfounded conclusions, critical themes that we shall revert to later.

As far as the true facts are concerned, Eritrea wishes to reiterate and emphasize the following salient points.

- The war in Somalia was not sparked, and is not fuelled, by Eritrea's military and/or financial support to Al Shabaab or other warring factions in the country. Eritrea has neither the political will or interest, nor the financial wherewithal and logistical capabilities, to keep Somalia ablaze. Eritrea does not have any political affiliations or sympathy towards Al Shabaab, which does not, in any case, require any assistance from it. Eritrea is indeed unresponsive to anachronistic political Islam or other faith-based political ideologies, wherever they are espoused or practised and irrespective of their "radical" or "moderate" labels, because it is firmly convinced that these sectarian approaches are not a panacea and will not bring about solutions to complex political and societal problems. These facts are well known to the United States, Ethiopia and other detractors of Eritrea. They have nonetheless chosen to keep and revive the lie at every instance to advance other ulterior motives. The recent fabricated allegations, this time using Kenya as the principal mouthpiece, accusing Eritrea of sending three planeloads of weapons to Al Shabaab, and previous charges against Eritrea for sending 2,000 troops to Somalia, are all part and parcel of the same political jigsaw. We must also recall that previous reports of the Somalia Monitoring Group had accused a number of countries, including Ethiopia, Yemen, Libya and Qatar for violations of the arms embargo, albeit with some caveats and qualifications. But from early on, the United States decided to zero in the sanctions radar on Eritrea and Eritrea alone. As we have explained in detail in our reply to the "Somalia Eritrea Monitoring Group report", the financing that Eritrea is accused of to "individuals linked to Al Shabaab" runs into a few hundred thousand dollars. Eritrea is not, indeed, engaged in the business of squandering public money. Furthermore, by its own admissions, the Monitoring Group has acknowledged that Al Shabaab obtains annual revenues, from taxation, piracy, etc., running into over half a billion

dollars. That Al Shabaab obtains its arms from the Transitional Federal Government and other black market sources in Somalia is also acknowledged by the Monitoring Group. So the case against Eritrea is a real red herring. Furthermore, what is conveniently downplayed in this whole affair is the fact that Somalia's sovereignty and territorial integrity continue to be constantly breached by various actors for a variety of reasons.

- Eritrea had explained in detail in its reply to the "Somalia Eritrea Monitoring Group report" the genesis and nature of low-intensity conflicts that stalk the Horn of Africa region. The complex web of relations that exist between armed opposition movements and Governments in the Horn are decades old. They are not spawned by current realities and were never the principal causes of the major conflagrations and mayhem that have afflicted the region in the past years: the Eritrea-Ethiopia border war; the 20-year-old internal conflict in Somalia and the wars in the Sudan. To ignore these realities and depict Eritrea as the primary culprit is therefore factually wrong and morally untenable. In this sense, paragraph 7 of resolution 2023 (2011) in which the Council "demands Eritrea to cease all direct and indirect efforts to destabilize States, including through financial, military, intelligence and non-military assistance, such as the provision of training centres, camps and other similar facilities for armed groups, passports, living expenses, or travel facilitation" represents part and parcel of the smear campaign peddled in order to portray Eritrea in a certain light. Abetted and encouraged by United States intelligence agencies, the Ethiopian regime continues, for instance, to provide military, financial, political and diplomatic support to several armed Eritrean opposition movements to date, as evidenced, among other things, by the subversive conference it hosted in Awasa, Ethiopia, early this month. Furthermore, Eritrea's fundamental precepts and commitments to a regional policy of a safe and cooperative neighbourhood have been explained in detail in its reply to the "Somalia Eritrea Monitoring Group report".

3. Arms embargo on Eritrea

Paragraph 8 of resolution 2023 (2011) "calls upon all States, in particular States of the region, in order to ensure strict implementation of the arms embargo established by paragraphs 5 and 6 of resolution 1907 (2009), to inspect in their territory, including seaports and airports, in accordance with the national authorities and legislation and consistent with international law, all cargo bound to or from Eritrea, if the State concerned has information that provides reasonable grounds to believe that the cargo contains items the supply, sale, transfer or export of which is prohibited by paragraphs 5 or 6 of resolution 1907 (2009) ...".

In the first place, such ambiguous language, which confers much discretionary authority to hostile parties, does not augur well for regional harmony and stability. In so doing, resolution 2023 (2011), in fact, introduces new elements and sows the seeds of potential regional friction and conflict. On a more substantive level, the potential regional imbalance that it purports to create through its asymmetric approach is legally and practically untenable, exacerbating rather than abetting potential conflicts. For reasons better known to it, the United States has contributed to a greater militarization of the Horn of Africa region through its recent actions. In addition to its military base in Camp Lemonier in Djibouti, Washington has established a new Air Force base for its drones in Ethiopia in the past months. In

exchange for these and other related programmes, United States military assistance to many countries in the region has increased significantly in recent years. In the case of Ethiopia, in particular, the regime is currently engaged in a military shopping spree with recent purchases of tanks and other arms. This is greatly subsidized by the billions of dollars that the World Bank, the European Union and other donors are extending to the country, largely through United States prodding, on an annual basis in direct budgetary or other fungible assistance. As may be recalled, the United States had even gone to the extent of waiving its arms embargo against North Korea to allow, on an exceptional basis, a consignment of arms to Ethiopia in 2007.

So what is the rationale behind this obsession against Eritrea's "potential purchase of arms" for its own self-defence in the context of a regional environment of heightened militarization? Eritrea wishes to highlight this dimension of the equation, not because it has an appetite for militarization, but simply in order to expose the designs of the architects of resolution 2023 (2011). Eritrea also wishes to reiterate that, in legal terms, it is entitled to acquire weapons of self-defence in accordance with Article 51 of the Charter of the United Nations. The Security Council cannot have it both ways: tolerate the illegal occupation, with tacit United States support, of sovereign Eritrean territory by a belligerent neighbour, on the one hand, while, at the same time, imposing a one-sided arms embargo on Eritrea.

4. Prevention of diaspora tax

The levying of various taxes is surely the prerogative and sovereign right of any country and an exclusive matter that concerns its citizens alone. Paragraphs 10 and 11 of resolution 2023 (2011) not only contravene these norms, but are replete with such offensive language and gross factual errors that Eritrea is dumbfounded to figure out why this rather ordinary and innocuous practice is seen as an object of hate and fear by the United States and Ethiopia in the first place. In this regard, it is interesting to note that the Clinton Administration was seriously exploring ways and means of curbing the diaspora tax and remittances through unilateral measures as early as 1999 during the border war between Eritrea and Ethiopia.

Eritrea has never used the diaspora tax to "destabilize the Horn of Africa region or … for purposes such as procuring arms and related materiel for transfer to armed opposition groups" as paragraph 10 of resolution 2023 (2011) presumes. Curiously enough, the limited revenues that accrue from this provision have been mystified and exaggerated beyond proportion. But irrespective of the actual amount, it must be underlined that the legality of the tax is robust and beyond any reproach. The domestic legislation that created the tax is non-controversial; the social objective noble; and, standing at 2 per cent, the amount is not onerous by any standards. As the proceeds of this tax are funnelled towards providing a social cushion for the dependants of martyrs of war and/or for national reconstruction and development, the individual contributions ought to be eligible for tax deduction in the host countries that allow similar provisions for charitable purposes. In any case, it should not constitute a cause for official scorn or witch-hunting. And least of all, the United States cannot be hypocritical to cry foul and prevent Eritrea from collecting any tax from its citizens. The United States in fact levies full income tax on its citizens abroad. To this end, it routinely utilizes unorthodox means, including divulgence by foreign banks of accounts held by United States nationals via the Qualified Intermediary Programme; court summons issued by the United States

Department of Justice to foreign banks; international conventions that support the issuance of administrative subpoenas upon wealthy Americans; and bilateral agreements with individual countries to solicit their assistance in both criminal and civil tax investigations by the Internal Revenue Service to assess and ascertain the amount of collectable individual income tax.

Eritrea does not use "extortion, threats of violence, fraud and other illicit means to collect taxes" from the diaspora as paragraph 11 asserts mendaciously on the basis of the false report of the "Somalia Eritrea Monitoring Group". All Governments pursue appropriate and legally specified enforcement measures to regulate tax evasion. By the same token, Eritrea has put in place explicit enforcement measures relating to domestic legal services such as real estate property entitlements, etc., that are withheld from those who fail to meet their fiscal obligations. These measures cannot be misconstrued as extrajudicial by any stretch of imagination, and Eritrea has never tried to implement them extraterritorially. It is therefore sad that the Security Council credulously accepts the distorted version of the Monitoring Group without a modicum of validation.

Paragraph 11 further threatens law-abiding Eritrean citizens who reside in various countries with arbitrary legal action by the host countries "for acting, officially or unofficially, on behalf of the Eritrean Government or the PFDJ contrary to the prohibitions imposed in this paragraph and the laws of the States concerned". This is witch-hunting in its crudest form. Eritrean nationals residing abroad are not involved in collecting the diaspora tax as agents of the Eritrean Government. The People's Front for Democracy and Justice (PFDJ) has no statutory authority and has never collected diaspora tax on behalf of the Government. The report of the "Somalia Eritrea Monitoring Group" that speculates on these alleged practices has based its conclusions on innuendo and false information deliberately peddled by Eritrea's arch-enemies. The United States and Eritrea's other detractors know full well that this is not the case. But all their efforts to drive a political wedge between the Government of Eritrea and the diaspora, all their relentless attempts in the past to win them over and recruit them as "opposition", have failed miserably. They are now resorting to this witch-hunting as a tool of retribution, to intimidate them into submission.

The United States has in fact started to introduce, through the back door, illegal restrictions on Eritreans to obstruct remittances. Under instructions from the State Department, certain banks in the United States have severed their correspondent banking ties with Eritrean banks. These actions cannot be rationalized by resolution 2023 (2011) and constitute gross violations of the rights of these citizens in disposing their income freely without official encumbrance of any sort. Almost all domestic investment laws, as well as international investment protection agreements and conventions, allow the unrestricted repatriation of profits for corporate bodies and remittances for foreign workers for investment purposes in their home country and/or to support their dependants. Emerging United States practices thus constitute a gross violation of these universal rights and practices.

5. Disruption of investments and financial transactions

Paragraphs 12 to 14 of resolution 2023 (2011) emanate from spurious presumptions and stretch them to curb investments in Eritrea or otherwise introduce intrusive "oversights" by the Monitoring Group and hostile Governments in order to

harass Eritrea and derail it from its development drive. Indeed, barely as the maiden revenues from the mining sector have started to accrue to the Government in the third quarter of this year, paragraph 12 of the resolution recommends the imposition of restrictive measures on account of ludicrous presumptions. It thus reads: "[the Security Council] expresses concern at the potential use of the Eritrean mining sector as a financial source to destabilize the Horn of Africa region and calls on Eritrea to show transparency in its public finances, including through cooperation with the Monitoring Group, in order to demonstrate that the proceeds of these mining activities are not being used to violate relevant resolutions ...". In a twisted logic, the burden of proof is transferred from the plaintiff to the accused.

Paragraph 13 further states: "[the Security Council] decides that States, in order to prevent funds derived from the mining sector of Eritrea contributing to violations of resolutions 1844 (2008), 1862 (2009), 1907 (2009) or this resolution, shall undertake appropriate measures to promote the exercise of vigilance by their nationals, persons subject to their jurisdiction and firms incorporated in their territory or subject to their jurisdiction that are doing business in this sector in Eritrea, including through the issuance of due diligence guidelines, and requests in this regard the Committee, with the assistance of the Monitoring Group, to draft guidelines for the optional use of Member States".

The shift of language is baffling. The presumption and concern about "potential use" intimated in paragraph 12 of resolution 2023 (2011) is instantly morphed into a categorical "statement of fact" in paragraph 13 to elicit encumbrances on Eritrea's sovereign budgetary prerogatives. This is not, in fact, the main aim of the architects of the resolution. The intent is to introduce elaborate obstacles to scare off existing and potential foreign investors in the mining sector. In this regard, the serious reservations expressed by the Permanent Representative of the Russian Federation to the United Nations concerning the modality and legality of this provision expose the true intentions of the architects of the resolution, which are not in consonance with the views of other members of the Security Council.

It must be pointed out that Eritrea's record and achievements in the social sectors have been considerable, indeed in spite of the expansive border war with Ethiopia between 1998 and 2000, and numerous adversities and hostilities thereafter. School enrolment has increased by 400 per cent in the past 20 years. Access to tertiary education has increased sixfold in the last eight years, with the opening of several new colleges spatially distributed to advance the Government's commitment to equitable regional development. Education, from kindergarten to tertiary schooling, remains free of all tuition fees, with the Government further shouldering accommodation and other expenses in the higher institutions of learning. In the health sector, morbidity due to malaria was very high, and annual mortality rates hovered around 18,000 deaths in the early years after independence. The Government's intensive programmes have now brought about a veritable turnaround, with mortality rates from malaria reduced to single digits. Polio has been eradicated. Maternal and under-5 child mortality rates have been reduced to 51.3 per cent and 53.7 per cent, respectively. In the past eight years, the Government has built five regional hospitals and a national referral hospital in the capital to supplement the extensive network of health stations and clinics. Delivery of health services, including in-patient treatment, remains largely subsidized in line with the fundamental principle of the right to life of all citizens. The Government continues to provide, free of charge, essential medications to vulnerable groups that are

afflicted by specific chronic illnesses, such as diabetes. The Government has been pursuing these programmes with the requisite vigour and commitment, as they constitute part of its national developmental obligations and priorities.

In regard to social safety nets, the Government continues to allocate a hefty amount of its annual budget, running to more than half a billion Nakfa, for the upkeep of the families of martyrs and the war disabled. In a society where the extended family system is still intact and social cohesion and solidarity are deeply embedded in the national psyche, the Government has strived to maintain the income gap within the bounds of decency and reason. In the public sector, the wage differential stands at 1:8 between the lowest and highest salaries, including the most senior Government officials. (The Gini coefficient for Eritrea, although not computed accurately, remains one of the lowest in the region.)

Public expenditure has not been confined to the social sectors. In a country where the domestic private sector is not yet strong, the Government continues to shoulder the burden of investment in indispensable physical structure to lubricate the conditions for rapid economic growth.

All these facts are well known to Eritrea's detractors. Their main worry is not, indeed, a well-founded fear that increased revenues from mining will be used recklessly by an adventurous Government to "destabilize the Horn". Their main objective is to cripple Eritrea's promising economic development and advance other hostile motives. Paragraphs 12 to 14 of resolution 2023 (2011), which extend the encumbrances in mining to financial and insurance services, are primarily designed to render the investment climate in Eritrea dysfunctional to precipitate an economic crisis in the country as a prelude to political instability and chaos. They are also designed to empower the "Eritrea Somalia Monitoring Group" with wide powers of intervention and intrusion in order to establish a case for further strengthening of the sanctions, as we illustrate below.

6. Expanded mandate of the Monitoring Group

In its reply of 20 October this year, Eritrea has drawn attention to the obvious political bias and lack of professionalism, impartiality and objectivity of the Monitoring Group in discharging its duties. As Eritrea demonstrated with specific instances, the members of the Monitoring Group appeared to go to unprecedented lengths to wage a crusade against the Government of Eritrea, the People's Front for Democracy and Justice, respectable and law-abiding members of the Eritrean community in the diaspora, as well as foreign friends of Eritrea, including some honorary councils.

Eritrea's reservations have in fact been acknowledged by important members of the Security Council. In his remarks after the vote, Ambassador Mashabane of the Republic of South Africa stated: "We call on the Monitoring Group to execute its responsibilities and mandate emanating from resolution 1907 (2009) and from this resolution with professionalism, impartiality and objectivity. The Monitoring Group should never be influenced by political considerations outside of its mandate. It is important for the Monitoring Group to closely guard its independence and professionalism in the work it does to assist the Security Council with the implementation of those measures. Equally, we call upon members of the Security Council to desist from any temptation to use the Monitoring Group for political ends". In the same vein, the Ambassador of the Russian Federation and rotating

President of the Security Council lamented: "The text of the resolution contains a range of provisions that lack adequate foundation, and the role of the group of experts has been expanded beyond measure. In that respect, we refer in particular to the 'planned terrorist attack' in Addis Ababa during the African Union summit there. The Russian Federation is categorically against terrorism in all its forms and manifestations. However, in this case, the Security Council was not presented with convincing proof of Eritrea's involvement in that incident".

The Monitoring Group's lack of objectivity, professionalism and political bias against Eritrea is not a recent phenomenon. As may be recalled, the Monitoring Group had falsely asserted that Eritrea had deployed 2,000 troops in 2006 when its mandate was restricted to Somalia. In spite of Eritrea's repeated requests to the Monitoring Group to acknowledge the errors it had made, the Monitoring Group has to date refused to set the record straight and take the appropriate remedial action. That the Monitoring Group is in cahoots with United States authorities is a well-known fact and reinforced by the statement of the United States Ambassador to the United Nations when she stated that "the United States will work with the Monitoring Group on Somalia and Eritrea and the Sanctions Committee regarding Somalia and Eritrea to develop voluntary guidelines for companies from the United States and other Member States". One also recalls that it was this same Ambassador who confided to Ethiopia's Prime Minister that she would be pushing for "a stand-alone sanctions resolution" against Eritrea, separate from resolutions 1844 (2008) and 1862 (2009), in early 2009 (WikiLeaks documents).

In view of these facts, Eritrea calls on the Security Council to revamp the mandate, constitution and composition, and working methods of the Monitoring Group to ensure that its individual members operate within the bounds of legality, impartiality, objectivity and professional integrity. In Eritrea's view, considerations of objectivity and neutrality demand that members of the Monitoring Group should not have political or business affiliations with the principal countries that harbour hostile agendas against Eritrea. Even from the outset, a balanced composition of the Monitoring Group that draws members from countries outside the circle of plaintiffs would have enhanced its neutrality and credibility. In addition, the Monitoring Group's ground rules of information collection and verification require further scrutiny and clarity to ensure that truth does not become a casualty of political manipulation, as has been largely the case with previous reports of the Monitoring Group. In the polarized regional environment and state of unremitting United States hostility that Eritrea finds itself, one can easily imagine the litany of unfounded allegations that will be taken as truth if the validation process consists of accusations from two or more sources that are corroborated by others in the same circle. This was, unfortunately, the case in the past with the reports of the "Somalia Eritrea Monitoring Group". Eritrea further notes that the majority of the countries that supported resolution 2023 (2011) invoked the report of the Monitoring Group in rationalizing their act. The danger posed by this vicious circle is therefore crystal clear.

Eritrea's appeal, of course, remains the full annulment of resolutions 1907 (2009) and 2023 (2011), as they represent a political agenda of principally the United States and Ethiopia. In the case of resolution 2023 (2011) in particular, the co-sponsors of the resolution, Gabon and Nigeria, have openly admitted that they have no direct familiarity with the situation at hand and have only acted at the behest of the Intergovernmental Authority on Development (IGAD), which

unfortunately has been instrumentalized to serve exogenous interests, as well as the report of the Monitoring Group. This can only raise serious questions about the legal appropriateness and validity of the charges that Eritrea is accused of. Thus, as Eritrea calls for full redress, it emphasizes in the meantime that the expansion of the mandate of the Monitoring Group described in paragraph 16 of resolution 2023 (2011) will not serve the interests of justice and fairness unless and until all the points raised above are adequately addressed by the Security Council. The unhidden wishes of the architects of resolution 2023 (2011) are in fact to create exacerbating conditions so that Eritrea would be entangled in a spiral of escalating sanctions. But the majority of Security Council members have warned, in their statements before the vote, against this apparent trend, which is not fair and does not serve the interests of regional peace and security.

In this light, Eritrea urges the Security Council:

(a) To establish an independent, impartial and credible body in place of the Monitoring Group, which has failed to garner the support of many members of the Security Council due to its lack of independence, professionalism, impartiality and objectivity, as well as its susceptibility to political influences;

(b) To review and annul the unwarranted measures and resolutions that are rooted in fabricated and groundless accusations with no basis in law and fact and that essentially emanate from misguided and hostile political objectives.

(*Signed*) Osman **Saleh**
Minister